

**Report To: County Council**

**Date of Meeting: 9th October 2012.**

**Lead Officer: Angela Loftus, Policy Research & Information Manager.**

**Report Author: Bryn Bowker, Planning Policy Officer.**

**Title: Report back on the consultation of the World Heritage Site Supplementary Planning Guidance document.**

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

- 1.1. Denbighshire County Council has published a series of Supplementary Planning Guidance Notes (SPGs), with the aim of further explaining policies in the Unitary Development Plan. The Pontcysyllte Aqueduct & Canal World Heritage Site Supplementary Planning Guidance note (WHS SPG) also seeks to amplify Local Development Plan policies, should the plan be considered 'sound' by the Planning Inspectorate and formally adopted to replace the Unitary Development Plan.
- 1.2. A decision is required on whether to formally adopt the WHS SPG so that it can be used as a material consideration when determining planning applications.
- 1.3. This report also intends to inform Members about the consultation responses received regarding the WHS SPG, and outline any subsequent changes required to the document. The consultation for the World Heritage Site Supplementary Planning Guidance ran from 26<sup>th</sup> September – 16<sup>th</sup> December 2011.
- 1.4. It is intended that the WHS SPG will help the public, developers, Town & Community Councils, Councillors, and Officers understand what the implications are for development undertaken in the World Heritage Site and its surrounding 'Buffer Zone'.
- 1.5. It is important to note that when considering adoption of the WHS SPG, the Council is not taking a decision on whether the WHS and Buffer Zone should exist; this was decided and subsequently designated back in 2009 and cannot be changed. Since 2009, the impact development would have on the WHS and Buffer Zone has been a material consideration when determining planning applications. It is also important to add that the designation of the WHS and Buffer Zone does not affect what development can be undertaken without planning permission (permitted development rights), nor does it introduce the need for Design and Access Statements (a national requirement introduced in 2009).

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

- 2.1. A decision is required on whether to formally adopt the WHS SPG so that it can be used as a material consideration when determining planning applications. The WHS SPG has been discussed with Planning Committee Members on September 19th.

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

- 3.1. That Members formally adopt the World Heritage Site Supplementary Planning Guidance to be used to inform the determination of planning applications.

### **4. Report details.**

#### *Background.*

- 4.1. The Pontcysyllte Aqueduct and Canal achieved World Heritage Site status from the United Nations Educational Scientific and Cultural Organisation (UNESCO) in June 2009. The site received the designation because it is recognised as having 'Outstanding Universal Value' that is significant to the whole of humanity. As part of this designation, a 'Buffer Zone' was established to define which parts of the surrounding area contribute to the 'Outstanding Universal Value' of the World Heritage Site.
- 4.2. The WHS SPG has been jointly prepared by Wrexham County Borough Council, Denbighshire County Council and Shropshire Council. Wrexham formally adopted the WHS SPG in June 2012. The objective of the Local Planning Authorities responsible for protecting the World Heritage Site is to manage development in a positive way that supports the vision outlined in the Management Plan.
- 4.4. From practical experience, the absence of a guidance document has made it difficult for developers and applicants to establish what is required as a result of the WHS and Buffer Zone designation. As part of the Council's duty to protect the WHS, publication of this document is a requirement for all three Councils by UNESCO as part of the designation. Furthermore, as the WHS crosses three authority areas, it is important to provide consistent advice from a joint document.
- 4.5. This document attempts to explain in simple terms what developers would have to submit with planning applications, and what the development itself should consider incorporating in order to minimise impact and become a complementary feature in relation to the World Heritage Site. The document also partly looks to emphasise the positive aspects of the WHS designation by highlighting possible local economic benefit through tourism potential.

#### *Consultation.*

- 4.6. The content of the draft Supplementary Planning Guidance, the scope and intention to undertake public consultation was agreed at Planning Committee in August 2011.

- 4.7. The public consultation for the World Heritage Site Supplementary Planning Guidance ran from 26<sup>th</sup> September – 16<sup>th</sup> December 2011. The format for the consultation process in terms of a comments template, and structure of meetings with the public was intentionally open in order obtain a wider range of comments.
- 4.8. The consultation included public notices in the Denbighshire Free Press, local papers, an advert in the County Voice, use of the council website and a letter to over 200 organisations/individuals, including: Town and Community Councils; Councillors; local agents and farmer unions, informing them of the consultation and telling them how to respond. Copies of the document were made available in Llangollen Library and One Stop Shop.
- 4.9. Three informal ‘drop in’ sessions were held which provided members of the public opportunities to discuss the content of the SPG with officers. These sessions ran from 3pm-8pm on: 3rd October at Chirk Parish Hall, 24th October at Trevor Community Centre, and 15th November at Llangollen Town Hall. In addition, Denbighshire organised an informal meeting for local planning agents and farmers/landowners to discuss the contents and implications of the document. This meeting involved attendance of a ward member, farmers union representatives and approximately over 70 people. DCC Officers also discussed the document in person with the Member Area Group and both Llangollen Town Council and Llantysilio Community Council.
- 4.10. The Council received 10 responses to the consultation, which raised the following issues:
- Unsure what ‘sense of arrival’ means.
  - Should be a presumption against wind turbines.
  - Part of Vale of Pengwern should be included in the buffer zone.
  - Confusion regarding Table 1- Typical Development Scenarios.
  - Feel the document needs a simpler layout/led by application type.
  - A number of detailed comments from the Countryside Council for Wales regarding the AONB extension and clarification regarding SSSIs and SACs.
  - Concerns the designation will add costs by introducing new requirements and deter development from the area.
- 4.11. Detailed consultation responses have been summarised and are included in appendix 1 which also contains reference of any subsequent amendments to the WHS SPG. Original comments are available to view on request from the Planning Policy team. In response to a suggestion from Llangollen Town Council, officers have drafted an informal WHS application checklist for applicants which is attached as appendix 2.
- 4.12. Key changes to the document include inserting a reference to ‘siting’ in table 1, scenario 1, reference to ‘solar parks & panels’ added to table 1, scenario 4, and clarification regarding the River Dee SAC and SSSIs in general at paragraph 8.1. A final copy of the WHS SPG is attached as appendix 3. These annotations will be removed should Members choose to formally adopt

the WHS SPG. The informal WHS application checklist for applicants should also help to simplify the document in a 1 page leaflet.

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

- 5.1. Formally adopting the WHS SPG would not contribute directly to any of the 2009-2012 Corporate Priorities, or any of the draft Corporate Priorities 2012-17. However, the document would enhance the customer experience of Denbighshire's planning service whilst simultaneously ensuring that development is positively managed to protect a globally valued asset that the County is fortunate enough to have. It is also worth noting that the publication and adoption of a planning guidance document for the WHS is a responsibility that the Council has to fulfil as a part of the designation.

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

- 6.1. There are no additional resources required as information will be submitted and assessed as part of a planning application. Paper copies of the WHS SPG can be produced within the existing budget, whilst an electronic copy of the document will be made available on the website.
- 6.3. It is not considered that the document would lead to an unacceptable harm on the natural environment or biodiversity.

## **7. What consultations have been carried out?**

- 7.1. As outlined in section 4.6 of the report, a full consultation process has been carried out.
- 7.2. Members of the Planning Committee have been notified about the WHS SPG and provided feedback on the consultation process at the September 19th meeting.
- 7.3. During Planning Committee, Llangollen ward members registered concerns that the WHS and associated buffer zone would hamper economic development for the local area. However, the WHS SPG does not introduce any new requirements for development in the area, and the document itself does not seek to prevent development.

## **8. Chief Finance Officer Statement**

- 8.1. There are no obvious financial implications contained in the report

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

- 9.1. The main risk associated with adoption of this SPG is that developers may challenge its use through the appeal process. In order to reduce this risk Officers have thoroughly considered the representations made by developers and sought to provide additional clarification where possible. Once the

document has been adopted, the WHS SPG will be reviewed annually and any issues arising could be addressed with revisions to the document.

- 9.2. In the absence of an adopted WHS SPG, officers have noted the potential for developers and applicants to misunderstand what the requirements are for planning applications in the qualifying area. It is intended this document will speed up the application process and therefore reduce costs by providing clear advice upfront to applicants
- 9.3. Should the WHS SPG not be formally adopted, then the Council will be failing in its responsibility to deliver this UNESCO required document and commitments the Council have already signed up to in the WHS Management Plan.

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

- 10.1 Planning and Compulsory Purchase Act 2004.