

**Report To:** CABINET

**Date of Meeting:** 20<sup>th</sup> November 2012

**Lead Cabinet Member:** Councillor Eryl Williams

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

**Title:** Update on Denbighshire Local Development Plan: report back on consultation on additional housing sites and draft phasing policy

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

- 1.1 This report outlines progress on the Local Development Plan and responses received following public consultation on the potential additional housing allocations, accompanying sustainability appraisals and draft phasing policy put forward in response to Inspectors' initial findings with regard to housing need and supply, issued on 14<sup>th</sup> June 2012. Appendix 2 summarises the key issues raised on each site, the draft phasing policy and general issues raised in relation to process. A table setting out summaries of each comment received together with proposed individual responses is attached as Appendix 3. Original submissions are available for viewing from the LDP Team.

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

- 2.1 To provide information on progress on the Local Development Plan and feedback on consultation responses received, together with an outline of the next steps for the Local Development Plan. A report will be taken to Council on 4<sup>th</sup> December, seeking Members' agreement to submit a list of additional housing sites to the LDP Planning Inspector. This will then enable Examination Hearing Sessions to resume.

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

- 1. That Cabinet confirms the need to have an up to date adopted Local Development Plan for Denbighshire.**
- 2. That Cabinet supports the phasing policy attached as Appendix 1 and the intention to apply it to any additional housing sites submitted by Council to the Planning Inspectors.**
- 3. That Cabinet note the report and the representations received in response to the Council's consultation on proposed additional housing sites and draft phasing policy and recommend that these be considered by full Council.**

## **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 20<sup>th</sup> 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 on-going. 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, with additional Hearing Sessions held on 22 - 24 May to debate housing need and supply, affordable housing and additional information on the viability and deliverability of the Key Strategic Site at Bodelwyddan.
- 4.4 Following consideration of all the evidence presented the Inspectors subsequently issued a note on 14<sup>th</sup> June 2012 informing the Council of their initial findings with regard to housing need and supply. This made it clear that they accepted the Council's housing target of 7500 new houses to be provided by 2021 to meet housing needs and were **not** proposing that this should be altered. However, the Inspectors did ask for further housing supply to be identified (ie additional sites) in order to meet Denbighshire's target of 7500 new homes by 2021 as 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.
- 4.5 The implications of the Inspectors note, together with potential options for the Council, were reported to Council on 6<sup>th</sup> July 2012 and it was agreed that the Council should proceed with the identification of sites which could accommodate further homes to meet the Inspectors' identified requirement for an additional 1000 plus the required consultation on these sites. Members have been briefed through the process, including individual briefings for those Members with sites proposed in their wards and attendance at all members Area Groups. The process has been overseen by Group Leaders, as agreed by Council on 6<sup>th</sup> July 2012.
- 4.6 A list of 21 potential housing sites were identified through reviewing all sites put forward as potential development sites as a result of the candidate sites exercise undertaken from 2006 – 2009 and those sites put forward in response to the consultation on the Deposit Local Development Plan in Autumn 2009 (Alternative Sites). Potential sites were then screened for constraints, such as flood risk, highways and access issues, availability of infrastructure (including drainage, sewerage, water supply). Sustainability Appraisals have been carried out for each site and these have been published alongside the list of sites. A number of the sites previously consulted on in March/April this year as part of the Council's list of 'Preferred Sites' have not been included in the current consultation because of their small size (with capacity below 5 homes) or because further information on constraints has

become available. A key consideration has been compliance with the Plan strategy in focussing development in the north of the County, whilst allowing for development in other settlements, particularly in lower growth towns and villages with existing facilities. The additional sites proposed could provide 981 homes in total, of which approximately 825 would be located in settlements in the north of the County and in lower growth towns.

- 4.7 In addition, a phasing policy has been drafted with the aim of phasing these sites to a later phase in the Plan, to be brought forward only when required, if the deliverable housing land supply falls below 5 years. This is attached as Appendix 1. The LDP must be monitored annually and reviewed if monitoring raises significant issues and must be subject to a major review in 4 years. The phasing policy was drafted with legal input from the Council's barrister to ensure a clear a robust approach is adopted and it has also been included as part of the consultation.
- 4.8 Consultation on the additional housing sites, and draft phasing policy, ran for 8 weeks from 11<sup>th</sup> September to 6<sup>th</sup> November 2012. This was a public consultation and was open for anyone to respond. The following were carried out as part of the consultation:
- Letters and response forms were sent to just under 4,000 people. This included anyone who had previously commented on the LDP, or asked to be informed; public bodies; statutory consultees; local, regional and national organisations with an interest in the LDP; and neighbouring Local Authorities and Town & Community Councils
  - Town & Community Councils received hard copies of all the consultation documents and response forms
  - Council libraries and One-Stop-Shops also received hard copies of the consultation documents and response forms
  - Individual meetings with all affected Members were held to discuss each of the sites
  - Meetings were also held with Group Leaders and officers provided a presentation at the most recent round of Members Area Group meetings
  - Officers also attended each of the recent Town & Community Council Cluster meetings to explain the consultation and answer questions
  - Updates and all documents were published on the LDP Examination website, with electronic versions of the response form available to download
  - Two press releases were issued before and during the consultation period.
- 4.9 In total around 370 comments have been received from approximately 140 respondents relating to the potential additional housing sites, the accompanying phasing policy and the process. Of these around 280 were objections. All valid comments received have been logged, acknowledged and scanned. They are available to view via the Council's website and from the LDP Team in Caledfryn. Individual comments are summarised by site in Appendix 2, together with the proposed Council response. Summaries of all the comments received for each site are set out in Appendix 1. Comments have been received from a variety of respondents, including local residents, national bodies, landowners, agents and developers – a number of whom are promoting other sites and have therefore objected to most or all of the sites consulted. Approximately 120 respondents were individuals, the remainder were organisations, agents and developers.

- 4.10 Responses received will be reported to Council and it will for Council to agree the next steps for the LDP and which sites should be submitted to the Inspectors. The Inspectors have concluded that additional sites need to be allocated with capacity to accommodate about 1000 homes in order to provide sufficient supply. The 21 sites identified have capacity for approximately 980 homes. If Council resolve to submit additional sites to the Inspectors, Hearing Sessions will be held at the end of January and objectors will have the opportunity to present their concerns and evidence to the Inspectors. The Inspectors will also give equal weight to all written representations received. The Inspectors will issue their report following the close of the Hearing Sessions and their recommendations are binding on the Council.
- 4.11 Should the Council decide not to submit additional sites to the Inspectors, the Council would be failing to address the Inspectors' findings and failure to progress the LDP at this stage would mean it likely that the Inspectors would find 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 will have a direct role to play in achieving the priorities of 'Developing the Local Economy' and 'Ensuring Access to Good Quality Housing' through the policies and proposals within it, influencing development on the ground.

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

Progressing the LDP will involve the need for additional Hearing Sessions to be arranged. Significant costs have already been 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 to 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. Representations relating to the most recent consultation on additional housing sites and phasing policy will also be passed on 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 should additional funding be required.

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

Failure to submit 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.