

## **COUNTY COUNCIL**

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 4 June 2013 at 10.00 am.

### **PRESENT**

Councillors Ian Armstrong, Raymond Bartley (Chair), Brian Blakeley (Vice-Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Ann Davies, Meirick Davies, Richard Davies, Stuart Davies, Peter Duffy, Hugh Evans, Peter Evans, Bobby Feeley, Carys Guy, Huw Hilditch-Roberts, Rhys Hughes, Hugh Irving, Alice Jones, Huw Jones, Pat Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Margaret McCarroll, Jason McLellan, Barry Mellor, Win Mullen-James, Bob Murray, Dewi Owens, Merfyn Parry, Paul Penlington, Arwel Roberts, Gareth Sandilands, David Smith, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Eryl Williams and Huw Williams

### **ALSO PRESENT**

Chief Executive (MM), Head of Legal and Democratic Services (RGW), Head of Planning and Public Protection (GB), Head of Business, Planning and Performance (AS), Planning Policy Manager (AL), Corporate Improvement Manager (TW), Representatives of Welsh Audit Office (GB and HLJ) and Committee Administrator (SLW)

## **1 APOLOGIES**

Apologies for absence were received from Councillors James Davies, Martyn Holland, Colin Hughes, Peter Owen, David Simmons, Barbara Smith and Cheryl Williams

Prior to the meeting the Chair informed Council that Councillor Peter Owen was in hospital following an operation and wished to send Councillor Owen everyone's best wishes and a get well soon card would be sent.

At this juncture, Councillor Pat Jones requested she be able to hand in a petition re: Mount Road. The petition was to stop a resident from opening up their garden fence for working vehicles access. The petition was accepted by the Chair.

The Chair announced that this was the season of Eisteddfodau and congratulated the children and young people of Denbighshire who had recently competed successfully at the Urdd Eisteddfod in Pembrokeshire and those held previously to this. He also thanked the parents, teachers and grand-parents and to everyone who had taken part.

The International Musical Eisteddfod in Llangollen was the next one and the National Eisteddfod would be held in Denbigh in August. A Denbighshire County Councillor, Meirick Lloyd Davies would be honoured with a blue robe by the Gorsedd of the Bards at the Eisteddfod on 9 August for services to his community and the Welsh language.

The fund raising target for the Eisteddfod in Denbigh was £300,000 and the amount

raised was now almost up to £320,000. The Chair wished to express his thanks to the Members of Denbighshire Town, for working hard to raise this amount and to congratulate everyone in Denbighshire.

The Chair announced the winner of Rhyl Bridge naming competition:

The Rhyl Harbour Project Board supported a competition to help find the most appropriate name for the new Pedestrian & Cycle Bridge across the river Clwyd.

The competition was open to all primary school children in Rhyl, Towyn and Kinmel Bay. The pupils were asked to provide a name for the bridge with a short story as to why they chose the name which should have some or all the following characteristics.

- have Welsh roots (Culture, History, Language)
- have a story that can explain it
- have a visual form
- inspire the opportunity to create events based around the name

An independent panel had considered more than 30 names submitted by the five schools that entered the competition.

- Ysgol Maes Owen
- Ysgol Llywelyn
- Ysgol Christchurch
- Ysgol Bryn Hedydd
- Ysgol y Foryd

All the names submitted were creative and interesting, and the panel had a very tough choice, but in the end agreed that five entries stood out and followed the judging criteria. After long debate Leon Jones from Ysgol Maes Owen inspired the name chosen by the panel '**Pont y Ddraig**'. The name would be featured at both entrances to the bridge. The three runners up were:

Cassie Parry - Ysgol Maes Owen

Adam Torkoniak - Ysgol Maes Owen

Kiera McEwan-Williams - Ysgol Maes Owen

Formal presentation of prizes would be held during the official opening of the Pedestrian & Cycle Bridge in September 2013.

## **2 DECLARATIONS OF INTEREST**

Councillor Paul Penlington declared a personal interest in the item "Adoption of the Denbighshire Local Development Plan" (Agenda Item 6).

## **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters had been raised.

#### **4 CHAIRMAN'S DIARY**

A list of civic engagements undertaken for the Council by the retired Chair and the new Chair for the period 27 April 2013 to 24 May 2013 had been circulated with the papers for the meeting.

**RESOLVED** that the list of civic engagements undertaken for the Council by the retired Chair and the New Chair be received and noted.

#### **5 MINUTES**

The minutes of the Council meeting held on 7 May, 2013 were submitted.

**RESOLVED** that the minutes of the meeting held on 7 May 2013 be confirmed as a correct record and signed by the Chairman.

#### **6 ADOPTION OF THE DENBIGHSHIRE LOCAL DEVELOPMENT PLAN 2006 - 2021**

Councillor Eryl Williams presented the Adoption of the Denbighshire Local Development Plan 2006 – 2021 report (previously circulated) to inform Members of the findings of the binding Inspectors Report into the DCC Local Development Plan 2006 – 2021; request formal adoption of the Local Development Plan (LDP) and seek approval to carry forward the current suite of Supplemental Guidance Notes (SPGs) for use with the Local Development Plan. Councillor Williams stated the importance of having control of development within the county but expressed his disappointment at the additional four pieces of land which had been added to the LDP by the Inspector.

Both the Head of Planning and Public Protection and the Planning Policy Manager confirmed they would be recommending acceptance of the report. Many years of hard work by Officers had been involved in producing the LDP document. Over the past 12 months there had been a number of public hearing sessions held with the Inspector.

Following agreement at full Council on 20 May 2011, the LDP and its evidence base was formally submitted to the Planning Inspectorate for public examination. Public Hearing sessions were held in January and February 2012 and additional Hearing sessions held in May 2012. The Inspectors issued their initial findings on 14 June 2012. Further Hearing sessions were held in February 2013 to enable discussion to take place and for any objectors to present their concerns and evidence to the Inspectors. There were 28 separate Public Hearing sessions held over a 13 month period.

It has been the Inspectors role to consider the LDP, together with all the evidence, including comments made as a result of public consultation and the public hearing sessions. The Inspectors had to report back to the Council on whether they considered the LDP to be “sound”. The Inspectors’ report was binding on the Council.

The Inspectors found the LDP to be “sound and deliverable” subject to some amendments.

In summary, the key points raised were:

- Legal requirements and procedural tests were met
- The overall strategy and distribution of growth was supported, including the Bodelwyddan KSS
- The overall housing figure of 7,500 dwellings was supported but additional housing allocations were to be included to increase the land supply. These were the 21 sites proposed by Council **plus** four sites included in the earlier consultation (March/April 2012) which were not proposed for allocation by Council. The four sites were:
  - Land off The Paddock, St. Asaph
  - Bryn Gobaith, St. Asaph
  - Ffordd Hendre, Meliden
  - Rear of Castle View & The Hollies, Llangollen
- The Council’s proposed phasing policy for the development of the additional sites has **not** been included in the plan
- A minimum density requirement of 35 dwellings per ha was to be included. This would not apply to villages and a small number of individual sites.
- Amendments to the Affordable Housing Policy:
  - Developments of 10 or more dwellings would make on-site provision of 10% affordable housing
  - Developments of 3-9 dwellings would make a financial contribution
  - The above requirements would be increased once sale prices are 10% and 20% above 2009 prices.
- The Area of Outstanding Beauty (AOB) would be partially removed from the proposals maps and not afforded the same level of protection as the Area of Outstanding Natural Beauty (AONB).

Employment land had been retained within the Plan and had been accepted by the Inspectors. This had a potential to create 8000 jobs.

Councillor Peter Evans expressed his disagreement with the Plan. He raised concerns of the infrastructure at Ffordd Hendre, Meliden. Councillor Evans stated he would vote against the adoption of the Plan and called for a recorded vote.

Councillor Stuart Davies expressed his disagreement with the Plan, due to the fact “rear of The Hollies” Llangollen had been added into the Plan. Councillor Davies stated he would vote against the adoption of the Plan.

Councillor Alice Jones stated that in her opinion, it was an unsound Plan. Councillor Jones wished to acknowledge the people of Bodelwyddan who had objected against the Plan. Councillor Jones stated she would certainly be voting against the Plan.

The Head of Planning and Public Protection (H:P&PP) confirmed the Inspector was an independent person and he had concluded that the Plan was sound. It was not a perfect Plan as it did not provide everyone with everything they wanted but, on balance, it was a very good Plan. Planning Committee had the opportunity to deal with issues around the sites as planning permissions could be refused due to the

infrastructure issues. SPG could build in infrastructure requirements for the 25 sites.

The Planning Policy Manager (PPM) confirmed all 25 sites had infrastructure issues and this would allow Planning Committee to have control of planning applications received.

Councillor Richard Davies spoke on behalf of the residents of the Brookhouse area of Denbigh. He expressed his disappointment at the fact that two sites in Denbigh had been included within the LDP. Residents felt the Council and the Welsh Government had gone against their own planning policies. Councillor Davies stated he would be voting against the Plan. Cllr Davies then asked the H: P&PP what would be the process if the LDP was not adopted at Council today.

Councillor Arwel Roberts stated the Plan was totally unsound. Good land was being ruined. Councillor Roberts expressed concern that local people would not be able to get the jobs or houses but that these would be going to people from outside the area. Councillor Roberts urged Members to vote against the adoption of the Plan.

The Leader, Councillor Hugh Evans, clarified that if the Inspector were to be challenged and the LDP was not adopted, it would be referred to the Minister and the Welsh Government would then make the decisions. The Inspectors' report could be utilised as evidence for planning applications. Members would be in a more advantageous position to protect communities to adopt the Plan and control planning applications. One of the greatest challenges to the local authority would be that the Inspector had reduced affordable housing from 30% to 10% to move development forward. The affordable housing had been brought in to assist young people to get on to the property ladder. 26 acres of employment land was in the Plan which meant a possibility of 8000 jobs could be created within the next 10 years. Councillor Evans stated he would be voting in favour of adopting the Plan.

The H:P&PP clarified that it was advantageous to look at the Plan as a whole and not to look at specific sites. 7,500 had been the recognised figure as there had been a need to provide houses for people who lived within Denbighshire and also to encourage job growth. There was a potential for 8000 jobs in the future but there was no guarantee these would all go to local people. The allocation of land for the potential of 8000 jobs was a good thing but there was also the advantage of the local labour market accessing those jobs.

It provided a great regeneration opportunity which would also work with the Rhyl Going Forward Plan. Statistics showed that 67% of people who lived in new builds in the county were from Denbighshire and 87% were from within North Wales.

Affordable housing had been reduced from 30% down to 10%. This had been what the local market could sustain. If, in the future, it was evidenced that the market could sustain more than 10% of affordable housing, the Council would have a policy which could increase the percentage.

Within the LDP was a policy that had not been included in the UDP that all new build housing within Denbighshire's rural hamlets, were to be affordable housing for local people.

The Head of Legal and Democratic Services explained that the Town & Country Planning (Local Development Plan)(Wales) Regulations 2005 state that the Council must adopt the Plan within 8 weeks of the publication of the Inspectors Report.

Councillor David Smith agreed there was a need for 7500 houses and 8000 jobs within the county. Councillor Smith was in agreement to adopt the Plan and thus allowing the Planning Committee control of all planning applications. The Planning Committee had the power to add conditions to Planning Permissions. An LDP Group was to be set up consisting of Councillors, who would be able to scrutinise all planning applications. Councillor Smith stated he would be voting in favour of the adoption of the Plan.

Councillor Bobby Feeley and Councillor Hugh Irving confirmed that after careful consideration, they would be voting in favour of the adoption of the Plan.

**At this juncture (11.25 a.m.) there was a break**

**Meeting reconvened at 11.50 a.m.**

Apologies received from Councillor Bill Cowie as he had to leave for the second part of the Council meeting.

Advance notice of apologies was also received from Councillor Alice Jones as she would be leaving the meeting early.

Declaration of Interest – Councillor Huw Williams declared a personal interest in 3 lots of land in Llanbedr.

Councillor Rhys Hughes raised the issue of the current Housing Policy by which a person had to be at the top of the housing list to be considered for a house in Denbighshire. Councillor Hughes expressed his annoyance at the Plan due to the fact schools, shops, chapels and public houses were all closing down. He also questioned if all other Councils in Wales had an adopted LDP.

Councillor Gwyneth Kensler explained that Members came into Local Government to represent the people. Councillor Kensler expressed concern due to the fact the phased approach had been taken out of the LDP and the percentage of affordable homes had been lowered from 30% to 10%. She stated that, in her opinion, SPG's had no statutory force. Once open countryside had been developed it would be lost to future generations.

The PPM responded that the closure of rural area premises and the loss of community facilities were not unique to Denbighshire. It was due to the change in people's shopping habits and the modern day culture. Denbighshire were doing their utmost to support local facilities. She also reported that:

- Affordable housing in groups of small clusters had been a step forward.
- Consultation had taken place on the sites and a number of people who had objected had attended.
- The SPG, if it went through the correct process, could carry a lot of weight in making planning decisions.
- All the Welsh Authorities were preparing to have an adopted LDP. Torfaen and Anglesey did not have an adopted UDP but were currently going through the process of the LDP.
- If the LDP was not in place, there would be a risk of uncontrollable sporadic developments in unsuitable areas

Councillor Dewi Owens confirmed that he approved of a majority of the Plan but did not approve of the sites the Inspector had added. Councillor Owens felt the Plan had to be approved to enable Members to deal with issues when applications were made. Councillor Owens also suggested the Welsh Government be approached to ascertain what powers the Inspector had and how they were scrutinised.

Councillor Julian Thompson-Hill confirmed he was in favour of adopting the Plan as it was impossible to draw up an LDP which would satisfy everyone. The consequences of not adopting the Plan would mean a prolonged hiatus period which would leave the Council vulnerable to ad-hoc developments. Councillor Thompson-Hill stated he would vote in favour of the adoption of the Plan.

Councillor Meirick Lloyd Davies expressed his concern about the development of the countryside and especially the additional land allocated in St. Asaph. He also expressed concern about developers targeting the county purely to make money.

Councillor Bob Murray expressed his concerns and stated he would vote against the adoption of the Plan.

The PPM clarified that the UDP had run to the end of 2011 and it was now out of date. Regarding Councils without plans in place, all were moving forward to adopt a LDP. There had been various comments regarding the overriding issue of democracy and process. The main issue was regarding the final stage and the additional four sites added. The majority of the Plan had been set up by the Council. This was a high level plan. Every site would be subject to a detailed planning application, especially as some sites had significant issues.

Following the intense discussion which took place Members felt the control of the LDP exercised by the Inspectors and the Welsh Government seriously undermined local democratic control and accountability, a situation which they deplored.

Councillor Eryl Williams gave his closing address. Councillor Williams moved to accept recommendation 1, recommendation 2 and recommendation 3. Councillor Hugh Irving seconded the motion.

The Chair thanked the Officers. It was unanimously agreed that a recorded vote took place.

The H:L&DS noted the recorded vote of which 21 Members voted in favour of the recommendations and 18 Members voted against the recommendations.

**RESOLVED** that the Council:-

- (1) *Formally adopt the Denbighshire County Council Local Development Plan (including Proposals Maps) as amended by the Inspectors' binding recommendations in accordance with Section 67 of the Planning and Compulsory Purchase Act 2004 and Regulation of the Town and Community Planning (Local Development Plan) (Wales) Regulations 2005.*
- (2) *Agrees to carry forward the list of adopted Supplementary Planning Guidance Notes for use in the determination of planning applications, pending a full review of all existing guidance.*
- (3) *Agrees that the SPGs, infrastructure plan(s) development briefs etc., as necessary will be required, where appropriate, prior to the development of the 25 additional sites.*
- (4) *registered a recorded vote as follows:*
  - a. *Voting in favour of the Proposal to adopt the LDP – Councillors Ian Armstrong, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain Jones, Meirick Lloyd Davies, Richard Davies, Hugh Evans, Bobby Feeley, Hugh Irving, Huw Jones, Pat Jones, Geraint Lloyd-Williams, Margaret McCarrol, Barry Mellor, Win Mullen-James, Dewi Owens, Merfyn Parry, David Smith, Bill Tasker, Julian Thompson-Hill, and Eryl Williams*
  - b. *Voting against the Proposal to adopt the LDP – Councillors Raymond Bartley, Ann Davies, Stuart Davies, Peter Duffy, Peter Evans, Carys Guy, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Gwyneth Kensler, Jason McLellan, Bob Murray, Paul Penlington, Arwel Roberts, Gareth Sandilands, Joe Welch, Cefyn Williams and Huw Williams.*

## **7 ANNUAL IMPROVEMENT REPORT**

Councillor Hugh Evans introduced the Annual Improvement Report (AIR). The AIR was a key report produced every year. Overall this was a very positive report. The report highlighted areas where further improvements could be made but there were no further recommendations within the report.

Hugh Lloyd-Jones, Welsh Audit Office (WAO) clarified that the report was in three main sections.

Within the first part of the report it was concluded that the Council were making good progress in delivering improvement in its priority areas:

- Performance continued to improve in most aspects of the Council's work to adapt service delivery to address demographic change;



- There had been progress in supporting regeneration projects in Rhyl but, in challenging economic times, progress had been slow in supporting economic growth across Denbighshire as a whole;
- Estyn had judged that the Council provided good quality education services for children and young people and that prospects for further improvement were good;
- The Council's programme to improve roads was progressing but, following the 2012 floods, an independent investigation would determine whether actions were needed to ensure flood risk in the County would be appropriately managed in the future;
- The Council continued to make good progress with its planned actions to improve the way it worked.

The second part of the report found that the Council's corporate performance management arrangements support reliable self-evaluation but there was scope to improve the quality of some of the evidence the Council used to judge its effectiveness.

Finally, the third part of the report set out the views of the WAO on how well the Council was planning for, and making arrangements to support improvement. It was concluded that the Council's arrangements to support improvement was good. In particular:

- The Council had discharged its improvement reporting duties under the Measure;
- The Council had complied with its responsibilities under the Equality Act 2010 and its Welsh Language Scheme;
- The Council continued to make good progress in addressing the proposals for improvement identified in the previous WAO assessments.

It had been concluded that there were no new recommendations this year. The report set out the progress the Council was making to address the recommendations and proposals for improvement made in the previous WAO report.

Councillor Raymond Bartley thanked Hugh Lloyd Evans (WAO) for his presentation and stated how proud he was of this Council.

At this juncture, the Chief Executive requested to make a comment. Regarding the previous debate, Adoption of the Denbighshire Local Development Plan, he had been very pleased that the representatives from the WAO had been at the meeting to witness the debate. The fact Members were so engaged was to their credit.

The Chief Executive thanked the WAO representatives for their report. It was a fair and good report. Denbighshire were focused on the big services, education and social services. Denbighshire had significantly improved in both of these services and were determined not to step back. The regeneration had been mentioned and a strategy would be launched in the autumn. The Chief Executive was hoping and confident that when the WAO report next year, they would be able to report on the progress on the new priority.

The service challenge process had improved. There were already things in place which would come up next year. Most important was the new Corporate Plan. There were seven priorities and funding strategy within the Corporate Plan.

It was recommended by Members that an audit of the Member Area Groups (MAGS) should take place.

Councillors Eryl Williams and Hugh Evans questioned what the Welsh Government had in mind for Denbighshire as there were mixed messages being communicated from Ministers. Councillor Evans indicated there were a lot of things the Council wanted to do better but had not been touched upon. The Local Government Measure might allow the council to focus on a local level. Town/Area plans had been introduced to assist. The challenges in Rhyl were much bigger than in any other area.

Hugh Lloyd Jones (WAO) agreed to feed in the concerns with their discussions with the Welsh Government. Recommendations could have been made within the Report but they would have statutory implications.

Gwilym Bury (WAO) clarified there had been a couple of proposals in letters. In the final report, there were improvements and progress made, so not to be in the report.

The WAO representatives both agreed an audit of MAGs was a very good suggestion. One area the WAO have agreed to observe this year was to take part in a Service Challenge. This would enable a greater understanding of the services.

***RESOLVED*** that subject to the above, the Council noted and accepted the Annual Improvement Report by the Welsh Audit Office.

## **8 ELECTRONIC VOTING PROCEDURES**

The Head of Legal and Democratic Services (H:L&DS) presented a report (previously circulated) to provide information regarding the operation of the electronic voting system, requests that had been made for information from the system and the implications of changing the way in which the system was used.

The voting system within the Council Chamber, County Hall, Ruthin, had been introduced as a quick way of counting votes cast in the Chamber. Some people had requested the identity of those who had cast their vote in a particular way. There had been a potential problem in releasing this information if the incorrect voting card had been placed in the slot in front of a Councillor, or if a Councillor changed seats following the placement of the voting cards. Therefore, voting information was not guaranteed to be 100% correct as to identity. It would always be correct as to the numbers of votes cast in a particular way. A request had been received for a greater transparency over the voting system, but strict processes would need to be in place, ensuring the correct voting card was used at all times.

**RESOLVED** that Council agreed to strict processes being put in place to enable accurate information to be made available via the electronic voting system in the Council Chamber, County Hall, Ruthin.

At this juncture, for information - The Chief Executive informed Council that the result of the ballot of staff "workforce efficiencies" had been received and the vote had been overwhelmingly in favour of accepting the proposals put forward.

## **9 COUNTY COUNCIL FORWARD WORK PROGRAMME**

The Head of Legal and Democratic Services (H:L&DS) submitted the Council Forward Work Programme.

**RESOLVED** that the council's Forward Work Programme be noted.

**The meeting concluded at 1.30 p.m.**