



LDP Team
Planning & Public Protection Service
Denbighshire County Council
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Eich cyf • Your ref LDP/SJ/2933
Ein cyf • Our ref APP 301 101
1 August 2008

Dear Jon,

**DENBIGHSHIRE LOCAL DEVELOPMENT PLAN:
PREFERRED STRATEGY REGULATION 15 PRE-DEPOSIT CONSULTATION
WELSH ASSEMBLY GOVERNMENT RESPONSE**

Thank you for consulting the Welsh Assembly Government regarding the Denbighshire Local Development Plan pre-deposit documents.

We are pleased to see progress being made in furthering a development plan for the area however we note your recent request for a timetable extension.

It is for the statutory consultation bodies and their equivalents to contribute to Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment exercises and your expert group to help you assess if they are fit for purpose.

As always, we would urge you to seek your own legal advice to ensure that you have met all the procedural requirements, including screening for SEA, because responsibility for these matters rests with your Authority.

In respect of the other pre-deposit documents we would refer firstly to the new approach to examining LDPs and the way we address this stage of pre-deposit documents involving the preferred strategy, options and other background material from a policy perspective. Please note that there will be a need to obtain and consider advice and representations from other relevant Assembly Government Divisions regarding candidate site proposals or aspects of detailed site assessment.



In the past our comments at UDP pre-deposit draft stage would have been in the form of specific objections to policy omission, relevance or wording which, if not addressed at deposit or pre-inquiry changes, would be considered by the Inspector in arriving at the recommendations in the Inspector's Report.

Under the new system this is not the case, the responsibility rests with the local planning authority to ensure that a submitted LDP is sound in procedural terms and enshrines the principles of early community engagement, transparency, consistency, coherence and compatibility to neighbouring authorities. If these principles have not been addressed adequately at the earliest stages of preparation, then the deposit LDP may be considered unsound and unfit for examination.

Without prejudice to the Minister's discretion to intervene later in the process and to the independent examination, the Assembly Government is committed to helping local planning authorities minimise the risk of submitting unsound documents by making appropriate comments at the earliest stages, and particularly at the Regulation 15 pre-deposit consultation stage.

To do this, the Assembly Government looks for clear evidence that the ten tests of soundness (as set out in 'LDP Wales' and the 'LDP Manual', and explained further in guidance issued by the Planning Inspectorate) are being addressed.

Having considered all the submitted documents provided by Denbighshire CBC under Regulation 15, we acknowledge the amount of work undertaken by the authority to reach this stage. The draft covers a significant amount of material, explores a range of policy options and there appears to have been a good attempt to secure engagement and reach consensus.

We consider that on-going self-assessment by the authority throughout the process of LDP preparation is important and note that you have included an initial assessment at Appendix 3.

However to ensure your authority secures a sound plan in due course, we have provided our strategic assessment of the Preferred Strategy document (as supported by the other documentation you have provided). We have indicated where evidence of soundness is not immediately clear. The annex to this letter sets out the detailed comments of the Assembly Government on the Preferred Strategy document; some comments relate to more than one test of soundness and we have provided cross-references where most appropriate.

We have noted some areas of concern, both where the documentation has not made clear certain matters, as well as in relation to certain strategy and policy issues. We consider that you need to address some substantive matters, as outlined below, well before you produce a deposit plan:

- The LDP strategy would better demonstrate **coherence** and would benefit generally from greater transparent **links** and a more overt **flow** between the key background issues, vision, objectives, policies and the monitoring indicators.
- In selecting options the **use of** the background context work, the Wales Spatial Plan and particularly the **plan objectives** has not been fully demonstrated. Further technical work to **justify and explain** some of the preferred options would be preferable. For example the **housing** figures adopted for villages and low growth settlements and the relationship between demand and the affordable housing yield should be fully evidenced.

- **Local distinctiveness** could be enhanced especially in respect of parts of the vision and some strategic policies.
- The fit between policy and **delivery** should be explored further by setting out broad time-scales so that it is clear how the strategy delivers on the vision/objectives. For example this could include phasing of housing streams and new allocations depending on any infrastructure required, linkages and risk assessment.
- How the strategy will address uncertainty and yet achieve the identified objectives. The deposit plan will need to be **flexible** enough to respond to circumstances such as emerging regional work (RWP, RTP, WSP, etc) and evolving national/regional pop/housing projections. It should include **contingency** approaches if the private sector fails to deliver on the strategic mixed-use sites due to market fluctuations or the infrastructure required cannot be funded.
- The scope/coverage of the strategy. It currently has some **omissions** with some of the local **spatial implications** unclear e.g. the strategic distribution of growth between the low growth market towns.
- The strategy included in the deposit plan should be as **place-specific** as possible signalling the anticipated role of places and settlements identified for change, indicating how they will relate to other settlements outside Denbighshire CBC and outlining the scale and implications of change for local communities. Work detailed in Background Paper 1 could usefully be expanded to cover an assessment of local demand at the settlement level and the conclusions could be incorporated in the deposit plan more explicitly to enhance **local distinctiveness**.
- The **focus and grouping of some of the strategic policies** in order to better show how they deliver the preferred strategy. The deposit versions should improve on their spatial distinctiveness.
- **Inter-relationships and connections** between the individual preferred approaches/policies should be explored and developed more **holistically** to demonstrate that the overall strategy is coherent and integrated, both in respect of the plan area and within the wider region.
- Better exploration of the **relationships with neighbouring plans**. For example although mentioned the link between the needs of Rhyl and Tywyn/Kinmel Bay area and their past/future development rates would benefit from further analysis.
- Ensure evidence is available to justify choices and improve further **cross-referencing** between the **evidence base** (including that not yet available) / the contextual background studies to demonstrate the robustness of the preferred strategy.
- The deposit plan needs to be better related to certain **national planning policy** requirements as indicated in the annex.

Providing that data exists and work is undertaken to add robustness to those areas of the evidence base that are currently weaker, we believe that much of this advice can be accommodated by refining and including emerging background material in the deposit plan and its supporting documentation. This should not delay deposit plan preparation and should improve the prospects of the plan being deemed sound.

You should document your response to our comments in your Consultation Report.

To assist your authority in taking forward the LDP, we would be happy to meet with you and your colleagues to discuss our response. If you have any queries in relation to the response, please contact Bob Newton or Heledd Cressey (on 01745 535516) or myself.

Yours sincerely

Mark Newey

Joint Head of Plans Management and Performance Branch
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(enclosure – annex)

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