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Planning and Public Protection
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Eich cyf : Your ref
Ein cyf : Our ref APP 301 101
Dyddiad : Date 30th November

Dear Sir,
Denbighshire Local Development Plan – Deposit Version

Thank you for your recent correspondence and copies of the deposit LDP and accompanying documentation.

We recognise your achievement in progressing the deposit LDP and appreciate the extensive technical and other work undertaken. It is noted that the revised timetable of your Delivery Agreement will need to be amended to reflect the later deposit date and also detail the timing of the indicative post deposit stages.

The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. We have considered the Deposit LDP in accordance with the consistency and coherence & effectiveness tests, and principally in accordance with whether satisfactory regard has been given to national planning policy (test C2). Our representations are separated into 4 categories which are supported with more detail in the attached annex.

- A.** Objection under soundness tests C2, CE2: A fundamental issue that we consider presents a significant degree of risk for the authority if these concerns are not addressed prior to submission stage, and may have implications for the plan's strategy.

None

- B.** Objections under soundness tests C2, CE1, CE2: Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:



Affordable Housing – The robustness and realism of the target level sought based on the viability testing.

- C. In relation to soundness tests CE2, CE3, CE4: whilst not considered to be fundamental to the soundness of the LDP, we consider there to be a lack of certainty or clarity on the following matters which we consider we can usefully draw to your attention to enable you to consider how it might be better demonstrated:
- i. that the strategy and policies are **deliverable**,
 - ii. that the plan is **flexible** to enable it to deal with changing circumstances,
 - iii. that the mechanisms for **implementation** and **monitoring** are sufficiently clear.
 - iv. that whilst the strategic development site maximises the ability to deliver **infrastructure**, this is also the case elsewhere in the plan, particularly with regard to water supply and sewerage,
 - v. that the plan is adequately supported by the **background evidence** with appropriate cross referencing to ensure clarity and confirm proposals. In particular the relationship between the proposed level of housing provision and the evidence base, including the Local Housing Market Assessment (LHMA) and 2006 based household projections; the explanation of the spatial distribution of all development (including employment allocations) between settlements with regard to assisting regeneration; the way in which best and most versatile agricultural land has been considered with regard to the strategic site; etc.
- D. Matters relating to clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes.

See annex

We have raised most of these issues with you on previous occasions. It is for your authority to ensure that the LDP is sound when submitted for examination and it will be for the Inspector to determine how the examination proceeds once submitted.

We strongly advise that you consider how you could maximise the potential of your LDP being considered 'sound' through the examination process. If you would like to **meet at an early date** to discuss any matters arising from our formal response to your deposit LDP, please contact me.

Yours sincerely

Mark Newey
Joint Head of Plans, Management and Performance
Welsh Assembly Government

annex

Annex to WAG letter (November 2009) in response to Denbighshire Deposit LDP

A. Objection under soundness tests C2, CE2: A fundamental issue that we consider presents a significant degree of risk for the authority if these concerns are not addressed prior to submission stage, and may have implications for the plan's strategy

None

B. Objections under soundness tests C2, CE1, CE2: Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:

Affordable Housing (robustness of target and viability)

'Planning Policy Wales' (as amended by Ministerial interim Planning Policy Statement 01/2006 Housing) requires local planning authorities to make appropriate provision for affordable housing (paragraph 9.1.2). Increased provision of affordable housing is a key policy goal for the Assembly Government (as expressed in section 5.1 of 'One Wales – a progressive agenda for the government of Wales', June 2007)

The plan strategy is based on accommodating a balanced level of general housing provision and as such this provides potential to generate affordable housing even when allowance is made for commitments. However the LDP itself fails to quantify the actual level of identified need for affordable housing (paragraph 9.2.23 of Planning Policy Wales) and as such the target proposed is not equated with the available evidence (N.B. the planning system cannot be expected to provide for all affordable need but if this is a local issue then an LDP should demonstrate that what is proposed is the best that can be delivered and to what extent it will mitigate the problem) The affordable housing target range relative to the proposed thresholds and levels of commitments seems optimistic. It is vital that the expected yield from new permissions is made clear.

Furthermore the viability testing (DV) appears to question the potential to achieve the thresholds in the short term even on the key strategic site. While the policy allows for flexibility and is expressed as a minimum it may need to be made clearer that thresholds could be adjusted to achieve the affordable target if land/property values increase later in the plan period. It is not clear if there has been endorsement from the relevant industry stakeholders to confirm the realism of the thresholds and policy.

Equally it should be explained how the definition of 'local connections affordable housing' relates to TAN2 'affordable housing' and what contribution this will make to the overall affordable total.

C. In relation to soundness tests CE2, CE3, CE4: whilst not considered to be fundamental to the soundness of the LDP, we consider there to be a lack of certainty or clarity on the following matters which we consider we can usefully draw to your attention to enable you to consider how they might be better demonstrated:

i. that the strategy and policies are **deliverable**,

The plan/listed background papers do not deal comprehensively with development constraints, housing site delivery assessment and phasing or implementation and would benefit from a more explicit demonstration of how and when certain key proposals will be realised e.g. the key strategic site and the brownfield sites approach

in Rhyl, Prestatyn, Rhuddlan and Llangollen. Issues of deliverability/contingency need to be specifically addressed and at present this is not clear.

It is also unclear for the most part how the release of sites will be related to settlement needs over the plan period. There is an indication of broad phasing at the whole plan level (pages 37 – 38) but there is no related delivery policy in the plan or any link to types of site or location. Hence it is not entirely clear how much of the various types of land are expected to come forward in which settlements and when. In particular there is no policy to control/phase the release of urban capacity sites.

It would be useful to cross reference the strategic site evaluation/justification report and the urban capacity study.

The plan (BSC 5) proposes a major mixed use area (Bodelwyddan) which will be the subject of a further Development Brief. However the broad intentions as to timing with the associated delivery of an appropriate balance of uses and relevant infrastructure on an on-going basis should be outlined in the plan itself and covered by policy so there is a clear framework for development and for the detailed brief.

- ii. that the plan is **flexible** to enable it to deal with changing circumstances,

Whilst a 20% (of allocated sites) contingency allowance (500 units) has been made to provide flexibility should allocated sites not come forward it is unclear why 20% has been used and it would be helpful if this was explained/ cross referenced to a background paper. It also raises the question whether any allowance should apply to the large number of commitments which may also fail to come forward.

Other than this contingency there is no indication of a reserve position should the key strategic site development fail to materialise. It will be important to show that the adoption of a major key site approach is sufficiently flexible because if this is not implemented, the whole strategy becomes undeliverable. (see Ci)

- iii. the mechanisms for **implementation** and **monitoring** are sufficiently clear.?

Key targets should provide guidance on triggers for review indicating when strategy or policy review will be necessary. They should be linked to SMART objectives (Specific, Measurable, Achievable, Realistic and related to Timescales) to ensure deliverability through the Plan period and improve the subsequent monitoring of the Plan.

Paragraph 9.5.4 of the LDP Manual suggests potential core indicators for LDP monitoring one of which (the amount of new development permitted on previously developed land expressed as a percentage) could be considered in light of Policy BSC2- Rhyl, Prestatyn, Rhuddlan, Llangollen).

- iv. that whilst the strategic development site maximises the ability to deliver **infrastructure**, this is also the case elsewhere in the plan, particularly with regard to water supply and sewerage?

While work has been undertaken to determine the feasibility of the key strategic site the results have not been subjected to explicit background analysis or fed through to policy which identifies priorities for particular infrastructure, costs, timing and linkage. Similar issues for other smaller but significant sites need to be explored.

The candidates site report/methodology does not refer to specific types of infrastructure consequently it is unclear whether water/sewer infrastructure is available and can be provided for allocations other than the key strategic site.

Policy BSC 3 refers to securing infrastructure in new developments. However, it is not fully explained how different components will be prioritised in different locations to enable sites both to remain viable, as well as addressing the appropriate issues. It is acknowledged that reference is made to producing supplementary planning guidance. It would be beneficial for this information to be available at the time of the plan's submission to enable a transparent analysis of its conclusions through the LDP process. This is of particular importance as it could affect the viability of sites and hence the strategy of the plan.

- v. that the plan is adequately supported by the **background evidence** with appropriate cross referencing to ensure clarity and confirm proposals. In particular the relationship between the proposed level of housing provision and the evidence base, including the Local Housing Market Assessment (LHMA) and 2006 based household projections; the explanation of the spatial distribution of all development (including employment allocations) between settlements with regard to assisting regeneration; the way in which best and most versatile agricultural land has been considered with regard to the strategic site; etc.

The deposit plan is succinct but with limited justification – especially for the strategy. (pages 34, 48, 50, 53 provide some explanation). There are a series of individual background papers but these are not cross referenced in the plan text. More importantly a supporting analysis paper would assist in bringing together the strands of justification found in several documents in order to fully explain the approach taken and why. Supporting papers should also explain how alternatives were considered. It is noted that in the Preferred Strategy consultation response document reference is made to further background papers e.g. Sustainable Communities covering the reasoning behind affordable housing provisions, the justification for the Bodelwyddan site, a housing trajectory, etc and a Valuing Our Environment paper covering waste etc.. These papers when available should be cross referenced in the plan.

It is still unclear as to whether there is a formal agreement across all authorities in North Wales regarding a regional housing apportionment figure. Also there appears to be little other justification provided for adhering to, or departing from, national projections or the LHMA. This should be detailed as background evidence and a cross-reference would be appropriate.

There is a lack of background justification for the distributional pattern of development adopted in the plan and little indication of the anticipated direction of travel from the current position. The rationale for the development balance between the coast and the south, the key strategic site and the rest of the plan's settlement hierarchy and particularly for the spatial distribution of development between the individual centres is not made sufficiently explicit.

The strategy tends to concentrate on the distribution of new allocations although references to this in the text are not covered by policy. There is little coverage of the preferred distribution of all new development. Of the 7500 dwellings required 5400 are either already built (800), committed (1600) or will be urban capacity sites within settlement boundaries (3000) but apart from an indication that 300 dwellings could be in villages and a comment that there will be a lot of urban capacity development in Rhyl, the plan does not state how the overall level of growth will be distributed

between settlements. It could to reference what is needed in each main settlement and how much can be delivered from brown field, urban capacity, current commitments and the residual need/provision for new allocations. It is unclear whether the distribution of urban capacity/commitments fits with spatial strategy and if not then how it is proposed to amend the pattern by the 2000-2600 new allocations.

As it stands the spatial strategy provides only a basic justification for allocations at Bodelwyddan, Corwen, Rhyl, Ruthin, St Asaph, Prestatyn. In particular, the reasoning behind the development and delivery constraints etc that suggest Bodelwyddan as a key strategic site when Rhyl and Prestatyn are larger towns and have the best public transport links and greatest regeneration needs could be more fully addressed in supporting information.

The relationship between the need to secure the regeneration of the plan area's main settlement/s (PSE 1) – neither Rhyl or Prestatyn have employment allocations - and proposals for the development of strategic employment sites on the A55 (BSC 5 , PSE 2) could also be better explained and set out more clearly in background material with suitable cross referencing. Page 65 of the plan states only that, *'Allocating a key strategic site at Bodelwyddan will improve the employment opportunities within the regeneration area.'* While page 53 indicates that the strategic site *'...provides continued support and opportunity for growth and regeneration for a wider area. The site also lies within the North Wales Coast Strategic Regeneration Area. The employment allocation at Bodelwyddan will assist the regeneration of Rhyl and improved linkages between the two settlements will enhance the sustainability of them both.'* However the feasibility of establishing and maintaining adequate public transport links between these locations to deliver on regeneration objectives is not fully developed.

The plan provides allocations for 53 hectares of new employment land but there is no justification for this in the Strategy section. A full justification is not required in the LDP itself but a cross reference to background evidence would be appropriate.

It is not made clear how the choice of the key strategic site at Bodelwyddan, which contains at least 30ha of BMVA land, complies with PPW policy (2.8.1). (i.e. overriding need for development in that location and no alternative site on lower quality agricultural land). N.B. Approximately 32ha or about a third of the site has not been surveyed. Although potentially the majority may be 3b it is possible that the unsurveyed land is likely to be a mix of grades 3a and 3b similar to the rest of the site.

D. Matters relating to clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes.

Proposals Maps – Information for a particular area should not appear on more than one map and the scale should be sufficient for boundaries to be clear on an OS base. (e.g. mineral provisions)

Other Plans and Strategies - Information on the Regional Strategies is brief and would benefit from the drawing out of the key issues that are specifically relevant to Denbighshire, particularly in terms of the Regional Waste Plan, Regional Technical Statement and Regional Transport Plan.

Links/Flow - The list of plan issues, while short and focused, is not prioritised or related to the objectives so it is unclear how they have been addressed by the plan's policies/proposals.

Providing more specific information and identifying more detailed issues, including reference to specific areas, would better inform a spatial strategy. For example, which areas are experiencing high levels of multiple deprivation? Are all the cross boundary issues identified?

Links between the Issues and the Vision could be improved.

The issue of high levels of multiple deprivation in the north is not really picked up in the objectives neither is the relationship with regeneration.

There appears to be a thematic/topic approach to the objectives although this is not consistent with the Issues or the Spatial Policy themes at Chapter 8. The policy themes - derived from the Wales Spatial Plan but without explanation as to their local relevance - appear only at a late stage. It would be clearer if all sections were structured so that the formatting is consistent and so helps demonstrate the coherence of the whole plan flowing from the vision/issues/objectives through strategy to the policies and monitoring sections.

Although the objectives have been related to each policy there is no link provided between the strategy and the objectives or the strategy and the policies.

The strategy does not set the context for all strategic issues. This is particularly noticeable as Strategic Policies have not been identified. Although this avoids repetition and keeps the plan concise cross references in the strategy to the relevant policies could help demonstrate better how the strategy is to be delivered.

The strategy should at least provide a framework for, and a link to, each of the policy themes. For example there is policy coverage relating to regeneration (PSE 1), employment land (PSE 2), brownfield development in certain towns (BSC 2), retail (PSE6), protection (VOE1), etc that is central to the strategy and which is not adequately explained and linked together in section 7.

It would also improve the flow of the plan if some text from later sections that relates more to strategy than detailed policies were included earlier e.g. the relationship of key strategic site to regeneration area and WSP in BSC 1/5, the brownfield approach in BSC 2, etc.

National Policies - Appendix 1 details some national policy (Minerals Planning Policy Wales and the MTANS are omitted) but there are limited cross references in the policy justifications either to relevant national policy or to the appendix.

A column showing which national policies have been refined by local policies could be useful and making the appendix a separate background document would mean it can be updated easily as national policy is refined.

Retail – Clwyd Retail Park on edge of Rhyl is listed as a district centre whilst no boundary is shown on the proposals map. The implications on Rhyl town centre and the associated regeneration aspirations should be clarified.

Gypsy & Travellers – Whilst it is indicated that there is currently no evidence of need for a permanent site, concluding the wider North Wales survey would add clarity to the current position.

To accord with WAG Circular 2007 it would be of benefit to state (Policy BSC10) that 'permanent' and 'transit' sites may be identified to meet an unmet need identified in the LHMA.

Renewable Energy VOE 9 – If criterion ii) with reference to cumulative impact is proposed as a refinement of national policy (MIPPS 01/2005 12.8.11) it will need to be fully justified.

Floodrisk - Overall the approach towards flood risk outlined in the LDP appears to be appropriate and in accord with the aspirations of national policy. A series of flood consequences assessments have been prepared to inform plan preparation and TAN 15 floodrisk criteria have been adopted for the candidate site assessments. Infill sites within the settlement limits of Rhyl will be brownfield and within the Strategic Regeneration Area as such they will comply with Tan 15. However it is not clear in the plan what the impact of windfall sites within settlement boundaries will be on the overall distribution of new development and as such what proportion of development may be in higher risk areas. Consequently it is difficult to assess whether the balance between floodrisk and regeneration is reasonable.

The area identified as the key strategic site is out with, but does bound, the current flood plain. As this site provides for a major strategic settlement expansion it should be clear that it will be sustainable in the long term given the implications of on-going climate change.

Housing Land Supply - The plan lacks a policy or reference to the relevant MIPPS aimed at maintaining a 5 -year housing land supply although it is a monitoring indicator.

Density - Apart from a reference in RD 1 to new development respecting its surroundings in terms of density there is no policy coverage relating to density.

Historic Built Environment - There could be a reference to the historic and built heritage in policy VOE1 Key areas of protection. While the introduction to the section on 'valuing our environment' refers to national policy in this respect it is not repeated in or within the justification for VOE 1 unlike other types of nationally protected area that are specifically referenced.

Agricultural land quality - This included as an assessment criterion in the candidate sites methodology but the report only appears to refer to grade 1 land requiring other sites to be considered. This needs to be clarified and the process should comply with PPW policy (2.8.1) which includes grade 1,2,3a land.

Minerals – The need to set out a strategy for the future use of all dormant mineral sites as specified in paragraph 19 of MPPW should be considered. It will also be necessary to ensure safeguarding areas are consistent across boundaries with neighbouring authorities.

Urban capacity - It should be clarified whether the settlement boundaries used for urban capacity purposes refer to those in the UDP or new ones developed in line with the LDP strategy.

Policy drafting - In places generalisations/qualifications in the wording of policy may not provide sufficient clarity while the consistency of drafting could be reconsidered.

For example:-

- There are some qualifications that might be criticised as imprecise e.g. BSC 4 'broadly', BSC 2 'general', BSC 3 'all', 'where appropriate' and 'adequate',.. VOE 9 'as a broad principle', etc..
- BSC 6 – 'local connections' affordable housing'. This new term will need to be explained and justified. It is not clear what the difference is between 'local connections' and 'local need'? Criterion (v) refers to 'local need' and the justification to 'local affordable housing'. The policy should make it clear the defined settlement confines are shown on the proposals maps.
- Throughout the plan there is scope to merge policies, shorten the plan and avoid inconsistency e.g. PSE1part/ 2/3, VOE 9/10/11/12.

- Policy PSE 8 is headed 'development within town centres' but refers to Rhyl which is termed a sub-regional centre in PSE 6. Boundaries are defined on the maps for some district centres but PSE 8 only covers town centres.

Collaborative working - The plan indicates that collaborative working has taken place and at page 54 when referring to the key strategic site says '*The site is in close proximity to the county boundary with CBC this lends itself to collaborative work in terms of identifying need for affordable housing, education and employment provision.*' The extent, depth and impact of such cross border work will need to be detailed.