From:

Subject: Date:

26 April 2023 16:00:09

Attachments:

image001.png image002.png image003.png image004.png

RF: LDP

image005.png image006.png

Hello



I think the position in planning terms is quite clear. The UDP remains (part of) the development plan, therefore this is the starting point for decision making. The LDP, which has not been adopted, is a material consideration. However, in my view, the LDP is a material consideration which should be afforded very significant weight in the determination of planning applications given that it has recently been found to be sound by Inspectors following Examination.

As you will appreciate, each planning application must be determined on its merits. Notwithstanding this, given the age of the UDP (1996-2011), combined with the fact that the LDP has very recently been found to be sound, the advice to Members in most circumstances I can think of will be that where the UDP and the LDP differ, the LDP, as a very significant material consideration, should outweigh any policy conflict with the UDP.

As you know, Officers sought Counsel advice predominantly in connection with the implications of the Roads Review. However, some questions about the legality of not adopting the Plan and the implications for decision making were also asked. The most relevant question and answer is below.

Q5. What impact would a refusal to adopt have on the determination of **Planning**

applications – i.e. how much weight would it be afforded, particularly if the Council were to refuse applications that departed from the extant UDP but accorded

with the LDP, for example a site outside of a UDP settlement and within a designated UDP Green Wedge, but a site that is allocated for development in the

LDP?

There is no single answer to this question. Although the LDP could be given very significant weight in such a scenario (and, all else being equal, probably would by an inspector), in the end it would turn on the particular circumstances of the case (and not necessarily only those relating to the LDP's non-adoption) as well as the planning judgement of the person/body concerned

Hope this assists

Prif Swyddog, Economi a Chynllunio Chief Officer, Economy and Planning 01978 298930 Cyngor Bwrdeistref Sirol Wrecsam, Stryt y Lampint, Wrecsam LL11 1AR Wrexham County Borough Council, Lambpit Street, Wrexham LL11 1AR wrexham.gov.uk | wrecsam.gov.uk twitter.com/wrexhamcbc | twitter.com/cbswrecsam facebook.com/wrexhamcouncil | facebook.com/cyngorwrecsam From: **Sent:** 26 April 2023 14:43 Subject: RE: LDP Hi Thanks for the link, interesting.

Just a guick guestion, will you be seeking legal advice on how to deal with the Council's decision on the LDP and any potential implications before the next Planning Committee? It may be that it is, or not, a material consideration? Depending on the outcome it could have a bearing on how applications are considered. I'm not making a definitive statement either way, just raising this so you hopefully do not get bogged down in potential challenges.

Just trying to be helpful.

Regards



From:

Sent: 21 April 2023 13:47

Subject: LDP

Hello

Just for info - you may want to look at Wrexham.com and the interview with the Leader.



Sent with BlackBerry Work

(www.blackberrv.com)

Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

Ewch i weld - mi fedrwch chi dalu, rhoi gwybod, gwneud cais, dweud eich dweud, a dod o hyd i wybodaeth ar-lein yn www.wrecsam.gov.uk. Arbedwch bapur - meddyliwch cyn argraffu!

Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neu'r sefydliad y'i cyfeirir atynt yn unig. Am yr amodau llawn ynglŷn â chynnwys a defnyddio'r neges e-bost hon, ac unrhyw atodiadau, cyfeiriwch at www.wrecsam.gov.uk/top.navigation/disclaimersw.htm

We welcome correspondence in Welsh. We will respond to any correspondence in Welsh and this will not lead to any delay.

Take a look - you can pay, report, request, have your say and find information online at www.wrexham.gov.uk. Save paper - think before you print!

This e-mail message and any attachments are intended solely for the individual or organisation to whom it is addressed. For full conditions in relation to content and use of this e-mail message and any attachments, please refer to www.wrexham.gov.uk/top.navigation/disclaimers.htm

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein hysbysiad preifatrwydd yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our Privacy Notice explains how we use your information and the ways in which we protect your privacy. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

Ewch i weld - mi fedrwch chi dalu, rhoi gwybod, gwneud cais, dweud eich dweud, a dod o hyd i wybodaeth ar-lein yn www.wrecsam.gov.uk. Arbedwch bapur - meddyliwch cyn argraffu!

Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neu'r sefydliad y'i cyfeirir atynt yn unig. Am yr amodau llawn ynglŷn â chynnwys a defnyddio'r neges e-bost hon, ac unrhyw atodiadau,

cyfeiriwch at www.wrecsam.gov.uk/top navigation/disclaimersw.htm

We welcome correspondence in Welsh. We will respond to any correspondence in Welsh and this will not lead to any delay.

Take a look - you can pay, report, request, have your say and find information online at www.wrexham.gov.uk. Save paper - think before you print!

This e-mail message and any attachments are intended solely for the individual or organisation to whom it is addressed. For full conditions in relation to content and use of this e-mail message and any attachments, please refer to www.wrexham.gov.uk/top_navigation/disclaimers.htm