

Amgylchedd a Datblygu Cynaliadwy
Environment and Sustainable Development



Llywodraeth Cymru
Welsh Government

Local Development Plan Team
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
LL 16 3RJ

Eich cyf : Your ref
Ein cyf : Our ref APP 030-01-023
Dyddiad : Date 20th October 2011

Dear Angela,

Denbighshire Local Development Plan – Focused Changes

Thank you for the consultation letter dated 30th August 2011 enclosing the Focused Changes Report and other submission documents.

The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. We have considered the focussed changes (FCs) in the light of the representations we made to the Deposit Plan and in accordance with the consistency and coherence & effectiveness tests (principally in accordance with whether satisfactory regard has been given to national planning policy - test C2). We indicate in the attached annex whether the FCs meet the matters raised in our deposit representations.

Accordingly, we have specific reservations with regard to: the robustness of the affordable housing provisions; the numerical coherence of the housing requirements; delivery; monitoring and further minor issues as detailed in the annex. We have not provided any representation where a FC does not address any of our earlier deposit plan representations and we do not object to the change proposed.

Yours sincerely

Mark Newey
Head of Plans Branch
Planning Division

(enclosure – annex)



Tîm Cynllun Datblygu Lleol
Cyngor Sir Ddinbych
Caledfryn
Ffordd y Ffair
Dinbych
LL 16 3RJ

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Annwyl Angela,

Cynllun Datblygu Lleol Sir Ddinbych – Newidiadau Ffocws

Diolch am eich llythyr ymgynghori ynghylch y Newidiadau Ffocws dyddiedig 30ain Awst 2011 a'r dogfennau eraill a gyflwynwyd gennych.

Mater i'r Arolygydd Cynllunio a benodir fydd penderfynu a fydd cynllun yn cael ei ystyried yn 'gadarn'. Rydym wedi ystyried y Newidiadau Ffocws yng ngoleuni'r sylwadau a wnaed ynghylch y Cynllun wedi'i Adneuo ac yn unol â'r profion ynghylch cysondeb, cydlynad ac effeithiolrwydd (yn bennaf i fesur a roddwyd ystyriaeth foddhaol i'r polisi cynllunio cenedlaethol - prawf C2). Nodwn yn yr atodlen sydd ynghlwm a yw'r newidiadau ffocws yn ateb y materion a godwyd yn ein sylwadau ynghylch y cynllun wedi'i adneuo.

Yn hynny o beth mae gennym amheuan penodol ynghylch: cadernid y ddarpariaeth o dai fforddiadwy; cydlynad rhifiadol y gofynion ar gyfer tai; gallu i gyflawni'r cynllun; monitro a materion eraill bychain fel y nodir yn yr atodiad. Nid ydym wedi gwneud unrhyw sylw lle nad yw newid ffocws yn ymwneud ag unrhyw un o'n sylwadau blaenorol ynghylch y cynllun wedi'i adneuo a lle nad ydym yn gwrthwynebu'r newid sydd wedi'i gynnig.

Yn gywir

Mark Newey
Pennaeth y Gangen Cynlluniau
Yr Is-adran Gynllunio

(atodiad yn amgaaedig)

Annex to WAG letter in response to the Denbighshire LDP Statement of Focussed Changes.

Affordable Housing: need/target

It is noted that the new Information Paper (IP 02 paragraphs 3.2, 3.4, & 4.3) suggests there is a need for 3761 affordable dwellings but does not clarify the extent to which this requirement can be considered robust. FCE 35 proposes minor additions to policy BSC4 with no changes to the supporting plan text. Consequently the focused changes do not identify the level of affordable housing need in the plan, as recommended in PPW.

Information Paper (IP 02) does not provide a breakdown of affordable housing delivery through the various components of provision. The Glyndwr 'Update' EBO10 paragraph 5.72 suggests the market has improved recently by the 10% the DVS considered necessary to make the 30% provision viable. However, even with the most optimistic view of future market performance further explanation on how the higher 3000 figure will be achieved is required. A breakdown of the sources of affordable housing is necessary to support a realistic level of provision.

Housing Requirements: numerical coherence.

In principle no objection is raised to the scale, type and distribution of housing provision but the precise figures used in the plan must be coherent and correlate with the data in the evidence and information papers. It is difficult to relate revised figures included in FCE 32 and FCE 20 to those in the new information paper (IP 02). Further explanation of the detailed figures is required, accompanied by a master table/spread sheet showing where, when, what type and how much housing is proposed, also assisting monitoring.

FCE 20 deletes reference to a 20% flexibility allowance but IP 02 (page 15) refers to a 5% overall contingency that would be provided by excess urban capacity. However, this 5% is not included in the plan itself and there is no specific policy reference to windfalls/urban capacity. Clarity on the reduction from 20% to 5% would be beneficial.

Although IP 02 Appendix 3 part 4 relates urban potential to the plan spatial strategy and appendix 2 indicates anticipated numbers by type and settlement the focused changes (BSC 1 FCE 32) do not indicate the proportionate distribution sought or provide a mechanism to control development in line with the strategy or indicate the hamlets quota/allocation provided for by BSC6.

Delivery

Information Paper (IP 02 Appendix 3 Urban Potential Review) provides some comment on constraints but no detailed site delivery constraints assessment or housing trajectory has been made available. The focused changes do not include any further discussion of phasing or provision for a related policy.

Policy BSC1 is not explicit and no focused change is proposed to make it clear that consents will be managed to deliver an on-going 5-year supply, as set out in PPW.

FCE 34. It is not clear how this will relate to the reduction in the ability to pool S106 contributions after April 2014 under the CIL Regulations. It is appreciated that the plan commits the authority to an early plan review when there is a CIL charge in place but it is important to avoid a policy vacuum and show how the timing of its introduction will interact with the need for the plan to deliver infrastructure.

Monitoring

FCE 83 (Appendix 1) proposes a new monitoring framework table with trigger levels and a PDL related indicator. The ranges/review timings proposed would benefit from discussion to ensure they are appropriate. For example, BSC1 is 30% below the annual build rate which could allow too much variation and could be reduced. Further consideration is needed regarding the degree to which the LDP can actually influence rural unemployment levels (PSE5) and of the impact of CIL/pooling of S106 monies on ASA2. An additional indicator is required to monitor delivery of the spatial strategy.

Gypsy & Traveller Site

FCE 41 makes minor changes to BSC 10 in line with WG comments on the deposit plan when it appeared there was insufficient evidence to indicate the need for a specific site allocation. Information Paper IP 02 (paragraphs 3.5, 4.4 and Appendix 2) reports that the regional study of site needs is still not finalised in order to confirm specifically whether there is a local or regional need for a site. As the robustness to the evidence base indicating a site is necessary is questionable, it is considered appropriate that a review of this part of the plan would be the most prudent course of action and should be built into the monitoring framework of the plan to ensure it happens, if necessary.

Comments relating to other Proposed Focused Changes

Focused Change	Policy Issue	Comment
FCE6	Introduction	Updating the introduction/context is appropriate but the text still includes material that would not be appropriate in the adopted plan.
FC 30,43	Welsh language Policy RD 4	Issues regarding Welsh Language should have been considered when formulating the strategy and identification of growth proposed in specific places. The policy approach needs to reflect this and be clear that it relates only to detailed mitigation, not the principle of development. The same applies to BSC 5.
FCE36	Policy BSC 5	
FCE42	Open Space	Open space provision (policy BSC 11) exceeds TAN 16 (paragraphs 2.10 & 2.11 and Annex C) which equate to 2.4 hectares in total and will require local explanation and justification.
FCE70	Water Management VOE 6	It will be important to explain the 'where practical' qualification in the changes to VOE 6, how the requirements will apply in those areas where SUDs is inappropriate, the relationship to national policy and the local justification for any variation.
FCE 35	Affordable housing thresholds	It could be made clearer that more than the minimum 30% affordable provision could be required if viability improves.