

# Denbighshire Replacement Local Development Plan

## Delivery Agreement

<b>Contents</b>	<b>Page</b>
<b>1. Introduction</b>	<b>3</b>
1.1 What is the purpose of the Delivery Agreement	3
1.2 What is a Local Development Plan?	3
1.3 Revision Procedure and the Soundness Tests	4
1.4 Supplementary Planning Guidance and Site Development Briefs	5
1.5 Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulations Assessment	5
1.6 Potential to Prepare Joint Plans	6
<b>2. Timetable</b>	<b>8</b>
2.1 Key Stages of Preparation	8
2.2 Resources	12
2.3 Risks	12
2.4 Monitoring and Review	12
<b>3. Community Involvement Scheme</b>	<b>14</b>
3.1 Principles of Involvement	14
3.2 What We Expect From You	14
3.3 Bilingual Involvement	14
3.4 Who Will We Involve and How	15
3.5 Role of Elected Members	15
3.6 General Public	15
3.7 The Local Development Plan Database	16
3.8 City, Town & Community Councils	16
3.9 Specific Consultation Bodies and UK Government Departments	17
3.10 General Consultation Bodies and Other Consultees	17
3.11 Developer, Agents and Landowners	17
3.12 Register of Candidate Sites	17
3.13 Feedback	18
3.14 How Will We Deal With Your Representations?	18
3.15 Late Representations	18
<b>4. Monitoring and Review</b>	<b>19</b>
<b>5. Contact Details</b>	<b>20</b>
Appendix 1 – Soundness Tests	21
Appendix 2 – Timetable Risks	22
Appendix 3 – Consultation Groups	23
Appendix 4 – Glossary of Terms	28

## **1. Introduction**

### **1.1 What is the purpose of the Delivery Agreement?**

1.1.1 This draft document, the Delivery Agreement, sets out the way in which Denbighshire County Council propose to involve the local community and other stakeholders in the preparation of the Denbighshire Replacement Local Development Plan. The Delivery Agreement provides details of the different stages in the process and how and when you can get involved.

1.1.2 The Review Report for the Local Development Plan identifies those fundamental areas of the overall strategy which are not delivering as anticipated. In light of the issues identified in the Review Report, and the requirement to review the Local Development Plan 4 years from adoption, it is therefore proposed to follow the procedure for a full replacement Local Development Plan.

1.1.3 The replacement Local Development Plan will be assessed to determine how sustainable it is and how it may impact on the environment, the economy and society. This will be set out in the Sustainability Appraisal. The Sustainability Appraisal will incorporate the requirements relating to Strategic Environmental Assessment. These documents will form part of the consultation process in addition to the main Local Development Plan documents.

1.1.4 The Delivery Agreement has two main parts:

- The Timetable: this sets out the timeframe for producing the replacement Local Development Plan and accompanying Sustainability Appraisal. Definitive dates are provided up to the Deposit Stage with indicative dates for subsequent stages.
- The Community Involvement Scheme: this outlines the approach to community engagement; the approach to who, how and when we intend to engage and how the Council will respond to representations.

### **1.2 What is a Local Development Plan?**

1.2.2 The adopted Denbighshire Local Development Plan (2006 – 2021) contains planning policies which aim to:

- Protect our outstanding countryside;
- Protect and enhance coastal regions;
- Guide development to the most sustainable locations; and
- Inform decision making on planning applications.

1.2.3 All Local Authorities are required to review their adopted Local Development Plan every four years. The current Local Development Plan was adopted in June 2013 and Denbighshire must commence a review with a view to preparing a replacement Local Development Plan this year (2017).

- 1.2.4 Regarding the status of a Replacement Local Development Plan, any proposed change in policy will be subject to public consultation in compliance with national policy, guidance and regulation. Policies can be ultimately added, amended or deleted from the Local Development Plan by the appointed Inspector. The Authority will follow the advice provided in section 2.14 of Planning Policy Wales Edition 9 (November 2016) when considering the status of the emerging replacement Local Development Plan.
- 1.2.5 Key policy and guidance on the preparation of Local Development Plans and the requirements of Local Planning Authorities to engage with their communities and stakeholders is included in:
- Planning Policy Wales (Edition 9) 2016
  - Technical Advice Notes – various dates
  - The Town and Country Planning (Local Development Plan) Wales Regulations and the Town and Country Planning (Local Development Plan) Wales (Amendment) Regulations 2015 – ('the Local Development Plan Regulations')
  - Local Development Plan Manual (Edition 2) 2015
  - Local Development Plan Examinations – Procedure Guidance 2015 (The Planning Inspectorate)
  - Local Development Plans Preparing for Submission – Guidance for Local Planning Authorities (2015) The Planning Inspectorate
  - Local Development Plan Wales, Planning Your Community: A guide to Local Development Plans 2006
  - The statutory requirements for Strategic Environmental Assessment (SEA), Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)

### **1.3 Revision Procedure and the Soundness Tests**

- 1.3.1 The Review Report summarises the main topic areas where the current Local Development Plan is not considered to be performing; where it is out of date due to contextual changes and which parts of the plan therefore require revision. Based on the significance of the changes required, it is considered that Denbighshire needs to produce a Replacement Local Development Plan.
- 1.3.2 When preparing or revising a Local Development Plan Denbighshire must ensure that it is prepared correctly and it meets the 3 Tests of Soundness outlined within the Local Development Plan Manual Edition 2 (August 2015):
- Does the Plan fit? (i.e. is it clear that the Local Development Plan is consistent with other Plans?)
  - Is the Plan appropriate? (i.e. is the Local Development Plan appropriate for the area in light of the evidence?)
  - Will the Plan deliver? (i.e. is it likely to be effective?)

See Appendix 1 for further detail on the Soundness Tests and their application at Examination.

## **1.4 Supplementary Planning Guidance and Site Development Briefs**

1.4.1 Supplementary Planning Guidance (SPG) has an important role in complementing the Local Development Plan strategy, policies and allocations by providing more detailed, technical advice. A series of revised / additional Supplementary Planning Guidance will be proposed to support the Replacement Local Development Plan. The details of Supplementary Planning Guidance which may be required for the Replacement Local Development Plan will be identified at the pre-deposit/deposit stages and can be added to after adoption. A number of key sites may have Site Development Briefs prepared to inform planning decisions.

1.4.2 Community involvement will vary according to the content of each individual Supplementary Planning Guidance Note and site development brief. The consultation stage at which comments on the guidance can be made will be widely publicised. This will include information on the Denbighshire web site, press releases and notification being sent to all contacts on the Local Development Plan database. For site specific guidance notes a local drop-in session will also be held. Information on how to respond and the deadline for any representations will be made clear in any publicity material.

1.4.3 All comments made during consultation on supplementary guidance will be made publically available following consultation and attributed to the person, group or organisation making the representation.

### **1.4.4 Feedback**

- All duly made comments will be acknowledged by email or letter.
- All duly made comments will be reported to the Local Development Plan Member Steering Group and Planning Committee following consultation. A summary of the comments along with a suggested Council response and any recommended changes will be made publically available.
- Any petitions received will be acknowledged to the proposer of the petition.

## **1.5 Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulations Assessment**

1.5.1 The Replacement Local Development Plan is subject to an assessment of its sustainable development and environmental effects:

- Sustainability Appraisal assesses the environmental, social and economic implications of the emerging plans' strategies and policies.
- Strategic Environmental Assessment (SEA) requires a rigorous assessment of the environmental, and to a lesser extent social, effects of the plans. This is intended to ensure environmental considerations are taken into account in the production of the plans.

- Any plan or programme likely to have a significant impact on a Natura 2000 site (Special Area of Conservation (SAC) or Special Protection Area (SPA)) which is not directly concerned with the management of the site for nature conservation must be subject to a Habitats Regulations Assessment. This assessment should identify the likely effects on the Natura 2000 site, determine whether these effects are justifiable in a wider context, and identify any mitigation measures that must be taken.

1.5.2 The first two assessments will be contained in the ‘Sustainability Appraisal’. The Habitats Regulations Assessments will be reported separately. These assessments will run alongside, and be a part of, the production of the Local Development Plan. The Sustainability Appraisal will be documented in:

- An initial Scoping Report for the assessment of the replacement Local Development Plan. This report will describe the current sustainability issues and a common set of sustainability objectives against which the plans will be judged;
- A full report of the assessment of the replacement Local Development Plan as it emerges. This report will explain how the options and detailed policies considered for the plan are likely to perform with regard to the sustainability objectives set out in the scoping report. This report will also explain how any harmful effects of the replacement Local Development Plan can be avoided or offset, and how the beneficial effects can be maximised;
- A statement explaining how sustainability considerations and the assessments, has been taken into account in the production of the replacement Local Development Plan.

1.5.3 Habitats Regulations Assessment will have the following stages:

- Screening
- Habitats Regulations Assessment

## 1.6 Potential to Prepare Joint Plans

1.6.1 As part of the Local Development Plan revision process, consideration of the advantages and disadvantages of preparing a joint Local Development Plan with neighbouring local planning authorities is required. The starting point was looking at the individual stages of Plan-preparation that our neighbours are at as of June 2017:

**Table 1 - Adjacent Local Authority development plan progress**

<b>Authority</b>	<b>Local Development Plan Stage</b>
Flintshire CC	Strategic Options stage
Wrexham CBC	Pre-deposit stage
Conwy CBC	Review to commence 2017
Gwynedd Council	Awaiting Inspector’s report on Joint Local Development Plan
Ynys Mon	

Powys CC	Examination
Snowdonia National Park Authority	Light touch review commenced

Conwy CBC is the only local planning authority that would offer the potential for preparing a joint Local Development Plan; without causing significant delay to the Delivery Agreements made between the other local authorities and Welsh Government. Both strategic planning teams have developed a comprehensive work-relationship that includes the production of topic-based studies, data gathering, and assessments for their respective Local Development Plan evidence base.

- 1.6.2 It must however be kept in mind that both local planning authorities are also independent, self-governing bodies. Both Councils have adopted Corporate / Strategic Plans and programmes to address County-specific opportunities, challenges and areas of improvements. Since Local Development Plans have to be prepared in line with those County-specific documents, see 'Tests of Soundness', the emerging Plan is unlikely to be succinct, concise, well-integrated and user-friendly with the need to refer throughout the document to two different sets of Councils' strategies and political objectives.

## 2. TIMETABLE

### 2.1 Key Stages of Preparation

2.1.1 The timetable for the Local Development Plan is divided into:

- Definitive stages – up to and including the statutory deposit stage, for which definite dates can be included
- Indicative stages – after the deposit stage, for which estimated dates can be included. These will be reconsidered following the deposit stage.

2.1.2 It is proposed that a tolerance of 2 months be allowed to provide some flexibility, before triggering the need for a formal amendment to the timetable.

2.1.3 The following timetable reflects submission of the draft Review Report to Welsh Government by December 2017. The final Review Report determines the main areas of the Plan where engagement needs to be focussed. The timetable anticipates 4 years to submission of the Replacement Local Development Plan to Welsh Government. The Planning Inspectorate has previously advised that the binding Inspector's Report can be expected to be received by the Local Authority within approximately one year from submission of the Plan.

#### 2.1.4 Table 2 – Replacement Local Development Plan Timetable

DEFINITIVE STAGES	STEPS	START	END
Review Report	<ul style="list-style-type: none"><li>• Consider conclusions of Annual Monitoring Report and review &amp; update evidence base</li><li>• Prepare Review report &amp; background documents &amp; seek WG informal view</li><li>• Publish Review Report &amp; supporting documents for public consultation (8 weeks)</li><li>• Submit to Welsh Government</li></ul>	June 2017	December 2017
Delivery Agreement	<ul style="list-style-type: none"><li>• Prepare &amp; publish Delivery Agreement for public consultation (8 weeks)</li><li>• Agree revised Delivery Agreement with Welsh Government</li></ul>	June 2017	May/June 2018
Sustainability Appraisal	<ul style="list-style-type: none"><li>• Review baseline information</li></ul>	June 2017	December 2017



scoping report	<ul style="list-style-type: none"> <li>• Review indicators and objectives</li> <li>• Consider responses and revise</li> <li>• Council Approval</li> <li>• Publish</li> </ul>		
Pre-Deposit Public Participation	<ul style="list-style-type: none"> <li>• Continue to update evidence base</li> <li>• Review site assessment criteria</li> <li>• Invite candidate site submissions &amp; maintain register of sites</li> <li>• Review Local Development Plan vision and objectives</li> <li>• Review Strategic Options and Preferred Strategy</li> <li>• Evaluate any sites submitted against the site criteria</li> <li>• Review original Sustainability Appraisal of the Options and Strategy proposed and recommend changes or improvements</li> <li>• Wellbeing Impact Assessment</li> <li>• Prepare Pre-deposit Local Development Plan document and Candidate Site Register, Review Report, Information Papers, Well-being Impact Assessment, Delivery Agreement, Test of Soundness self-assessment and Initial Sustainability Appraisal Report.</li> </ul>	December 2017	February 2019

<p>Pre-Deposit Consultation</p>	<ul style="list-style-type: none"> <li>• Publish the Pre-deposit Local Development Plan documents including the Candidate Site Register, Review Report, Information Papers, Well-being Impact Assessment and Initial Sustainability Appraisal Report</li> <li>• Statutory Consultation (8 weeks)</li> <li>• Consider Responses &amp; amendments to Pre-deposit Local Development Plan documents</li> <li>• Prepare Initial Consultation Report following consultation</li> <li>• Agree Preferred Option/Strategy and Sustainability Appraisal</li> </ul>	<p>April 2019</p> <p>Statutory consultation - April 2019</p>	<p>July 2019</p> <p>Statutory consultation - May 2019</p>
<p>Local Development Plan Deposit consultation</p>	<ul style="list-style-type: none"> <li>• Review more detailed policies &amp; allocations for the Deposit Plan not included at Pre-deposit stage</li> <li>• Review Sustainability Appraisal of Deposit Local Development Plan policies</li> <li>• Review and update 1st Plan Habitats Regulations Assessment Screening &amp; Assessment</li> <li>• Review and update the Pre-deposit Local Development Plan Well-being Impact Assessment</li> <li>• Prepare &amp; publish Deposit Local Development Plan document &amp; Sustainability Appraisal</li> </ul>	<p>August 2019</p> <p>Statutory consultation - January 2020</p>	<p>February 2020</p> <p>Statutory consultation - February 2020</p>

	Report, Habitats Regulations Assessment, Candidate Sites Register, Review Report, initial Consultation Report, Alternative Sites Register, Information Papers <ul style="list-style-type: none"> <li>• Statutory consultation (8 weeks)</li> </ul>		
<b>INDICATIVE STAGES</b>			
Submission	Submit revised Local Development Plan and supporting document to Welsh Government and the Planning Inspectorate		Autumn 2020
Examination	Independent examination led by Planning Inspectorate		Autumn 2020 – Autumn 2021
Adoption	Adopt revised Local Development Plan		Autumn 2021
Annual Monitoring Report	Prepare, publish and submit Annual monitoring Report		Annually

2.1.5 The timetable anticipates adoption of the replacement Plan in Autumn 2021, prior to the expiration of the current adopted Local Development Plan in June 2021.

**2.1.6 Table 3 - Consultation/Notification methods for each key stage of preparation**

Consultation/notification Stage	Method
Publication of the Review Report, Delivery Agreement and Sustainability Appraisal	<ul style="list-style-type: none"> <li>• Website</li> <li>• Written notification by email/letter to mailing list consultees (including those listed in Appendix 3 – consultation groups)</li> <li>• Press release</li> <li>• Web access available at public libraries</li> <li>• Documents available at libraries and one-stop-shops</li> </ul>
Invite candidate site submissions	<ul style="list-style-type: none"> <li>• Website</li> <li>• Written notification by email/letter to mailing list</li> </ul>

	consultees (including those listed in Appendix 3 – consultation groups) <ul style="list-style-type: none"> <li>• Press release</li> </ul>
Pre-deposit Plan consultation Deposit Plan consultation Submission to Welsh Government for Examination Publication of the Inspector’s Report Adoption	<ul style="list-style-type: none"> <li>• Website</li> <li>• Written notification by email/letter to mailing list consultees (including those listed in Appendix 3 – consultation groups)</li> <li>• Press release</li> <li>• Web access at public libraries</li> <li>• Documents available at libraries and one-stop-shops</li> </ul>

## 2.2 Resources

2.2.1 Responsibility for the Local Development Plan preparation sits within the Strategic Planning and Housing Team of Denbighshire’s Planning & Public Protection Service. The Team is comprised of a manager, four planning officers (three part-time and one full-time), two strategic housing officers and one technical support officer. The team’s Strategic Housing officers are not directly involved in the preparation of the Local Development Plan but will have a significant input in the housing elements of the Local Development Plan.

2.2.2 The Strategic Planning and Housing Team also co-ordinate and administer a steering group of elected Members, which meets on a 4-6 weekly basis providing input and a steer on the content and process for the Local Development Plan and any other planning policy documents (eg Supplementary Planning Guidance, Site Development Briefs etc). This steering group is not a decision-making body but makes recommendations to Planning Committee and Council where the process requires formal approval or decisions.

## 2.3 Risks

2.3.1 There are various risks to the ensuring adherence to the timetable set out above and these are identified in Appendix 2. These risks may be from internal or external sources and include those over which the Local Authority may have limited influence. Possible mitigation measures have been identified for each of the risks and it is proposed that a tolerance of two months be built into the timetable to allow for flexibility without formal amendment to the Delivery Agreement.

## 2.4 Monitoring and Review

### 2.4.1 Delivery Agreement

- 2.4.2 The Delivery Agreement will be reviewed if:
- The Plan preparation process falls more than 2 months behind schedule
  - Significant changes are required to the Community Involvement Scheme
  - Significant changes occur in the resources available to carry out Plan preparation.
- 2.4.3 Within three months of the end of the Deposit consultation period, an updated timetable showing definitive dates for the indicative stages of the Plan process will be submitted to Welsh Government for agreement.
- 2.4.4 **Local Development Plan**
- 2.4.5 Denbighshire County Council will produce an Annual Monitoring Report (AMR) in October each year following adoption of the replacement Local Development Plan, which will assess how effectively the policies and proposals of the Local Development Plan are performing and highlight any need for modifications. Once produced, the AMR will be published on the Council's website.
- 2.4.6 Following adoption of the Local Development Plan, a review should take place within 4 years but may commence earlier if significant changes in national policy or local context occur or significant issues arise from the AMR.

### **3. COMMUNITY INVOLVEMENT SCHEME**

#### **3.1 Principles of Involvement**

3.1.1 The active and willing involvement of people, communities and organisations will be fundamental in helping to shape the replacement Local Development Plan for Denbighshire. A greater understanding of the issues facing communities and how they would like to develop in the future is key to producing a replacement plan that best meets these aspirations.

3.1.2 The following principles of community and stakeholder involvement are key to the successful delivery of the replacement plan:

- We will try to make each stage in the process as easy to understand as possible;
- We will always try to use plain Welsh/English and avoid using technical terms wherever possible;
- We will always provide feedback on the outcomes at each stage in the process;
- We will try to involve all sections of the community, including those who may not traditionally have had an input into the plan preparation process;
- We will always aim to make it clear where decisions can be made at the local level, and where national policy and statutory regulations take precedence;
- We will aim to achieve agreement wherever possible, whilst recognising that we all need to be realistic where viewpoints differ.

#### **3.2 What we expect from you**

3.2.1 It is important that anyone wanting to be involved, or provide comments, during the process of preparing the replacement Local Development Plan does so within the publicised timescales set out in the Delivery Agreement. This is vital if you want your views to be taken into account when the Council is developing the Local Development Plan strategy and detailed policies.

3.2.2 It is also important that you inform the Strategic Planning & Housing Team of any change in contact details during the process.

#### **3.3 Bilingual Involvement**

3.3.1 Bilingual involvement will be carried out in accordance with the Welsh Language Standards:

- Denbighshire welcomes correspondence in Welsh or English and correspondents will receive a reply in the language of the original contact. Corresponding in Welsh will not lead to delay in processing your comments.
- All standard letters, comments forms and newsletters will be bilingual;
- All Denbighshire policy and guidance publications will be bilingual;
- All Denbighshire publicity and advertising material will be bilingual;
- All meetings, whether formal or informal, will be conducted bilingually where requested beforehand.

### **3.4 Who will we involve and how?**

- 3.4.1 We will be involving people in the replacement plan in a variety of different ways at each stage in the process as set out in the replacement Local Development Plan timetable. Different methods of engagement may be considered most appropriate for the wide range of consultees who will want to be involved in the preparation of the replacement Local Development Plan. We intend to make the process as accessible as possible and people should be able to engage using a method that suits them best.
- 3.4.2 All stages at which representations on the replacement Local Development Plan can be made will be widely publicised. This will include information on the Denbighshire web site, press releases and notification being sent to all contacts on the Local Development Plan database. Information on how to respond and the deadline for any representations will be made clear in any publicity material.
- 3.4.3 All representations made during the replacement Local Development Plan process will be made publically available following consultation and attributed to the person, group or organisation making the representation.

### **3.5 Role of Elected Members (Councillors)**

- 3.5.1 Councillors are the elected representatives of the people of Denbighshire and they take decisions on behalf of their electorate. Elected members will take the final decisions on the form and content of the replacement Local Development Plan at key stages throughout the process.
- 3.5.2 A Replacement Local Development Plan Member Steering Group will be established. This will be an internal local authority group of elected members and professional officers from across the Council. The Steering Group will have an agreed membership with voting rights to ensure balance but will be open to all Members to attend. The group will meet regularly to review and formulate policy and proposals for consideration by the Council. The Steering Group will make recommendations on the Replacement Local Development Plan but all formal decisions will be made by the Full Council.

### **3.6 General Public**

- 3.6.1 This can be any member of the public from within Denbighshire and beyond. Anyone can be involved by commenting at the key stages as set out in the replacement Local Development Plan Timetable. These will be, on the draft Review Report and its supporting documentation, draft Delivery Agreement, the Pre-Deposit Consultation, Deposit Plan consultation and at the Examination. We do not have to consult on the Review Report or Delivery Agreement but think that it is important to do so.
- 3.6.2 The general public can help the Council develop detailed local knowledge of specific areas within the County. Individuals with detailed knowledge and experience of certain

topics relevant for the Local Development Plan can serve as a key source of information. The public will also provide valuable feedback on how draft policies, site allocations and other detailed proposals are developing and the reasons for public support or objection.

- 3.6.3 For the general public, who do not also fall into any of the groups listed below, the opportunities to engage and the consultation stages will be publicised via the Denbighshire County Council website, the Denbighshire consultation portal, use of social media and information in all libraries and one-stop shops.

### **3.7 The Local Development Plan Database**

- 3.7.1 During the preparation of the first Local Development Plan an extensive database was developed that included many organisations and individuals who asked to be kept informed at various stages in the process. Anyone can request to be added to or removed from the database at any time and anyone submitting a representation during any of the consultation stages will be added to the database.
- 3.7.2 The preferred method of communication for those on the Local Development Plan Database is via email, paper copies will be available on request.

### **3.8 City, Town and Community Councils**

- 3.8.1 City, Town and Community Councils provide a vital link between their communities and the council. They can help in raising awareness of the replacement Local Development Plan process as well as communicating local views and opinions to the Council. All communication, engagement and consultation will be carried out in line with the agreed Charter between City, Town and Community Councils and Denbighshire County Council (2016) <https://www.denbighshire.gov.uk/en/your-council/strategies-plans-and-policies/town-community-council-charter.pdf> Neighbouring town and community councils will be consulted at all statutory stages of the replacement Local Development Plan process.
- 3.8.2 Communication with City, Town and Community Councils will be via email, in addition workshop events will be held with each City, Town and Community Council Cluster Group at the following stages:
- An awareness raising session centred around the draft review Report and draft Delivery Agreement and the candidate site selection process;
  - Prior to the pre-Deposit consultation to discuss proposed areas of change and site selection in line with the Preferred Strategy.

A list of all Denbighshire City, Town and Community Councils can be found in Appendix 3

### **3.9 Specific Consultation Bodies and UK Government Departments**



3.9.1 These consultees are set out in the Local Development Plan Manual (Groups B2 and B3 (2015)) and are made up of bodies that have specific functions within Denbighshire such as utility providers, government departments, Betsi Cadwalader University Health Board and Welsh Government. See Appendix 3 for a full list.

3.9.2 Bodies included within this group will provide detailed, professional advice on the Replacement Local Development Plan proposals, and the suitability and delivery of development sites. They will be consulted and given the opportunity to comment at key formal (statutory) stages in the preparation of the replacement Local Development Plan. These consultees may also appear at Examination Hearings when invited by the Inspector, even if they have not raised an objection or indicated they wish to appear.

### **3.10 General Consultation Bodies and Other Consultees**

3.10.1 General Consultation Bodies include voluntary bodies who are active in the County and represent the interests of various different groups. These can include representatives of different racial; religious; ethnic and disability groups as well as those representing business groups and Welsh language and culture. Many of these will already be on the database but we are happy to add any new groups at any time.

3.10.2 Other consultees are organisations who do not fall into any of the above categories but still have a representative interest in the area, this can include bodies such as the National Trust, Public Health Wales and Civic Societies.

3.10.3 These bodies will be consulted and given the opportunity to comment at key formal (statutory) stages in the preparation of the replacement Local Development Plan. It is likely that many of these groups will also be members of other groups and already be on the Local Development Plan database.

### **3.11 Developers, Agents and Landowners**

3.11.1 Developers, agents and landowners will be invited to submit candidate sites for consideration during the Pre-Deposit engagement phase. Details of the information required to accompany any candidate site submission and the criteria against which all submissions will be assessed will be published on the Council website [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk) and made available in hard copy on request. The call for sites will be publicised in local newspapers and on the Council website, in addition all contacts on the Local Development Plan database will be informed.

### **3.12 Register of Candidate Sites**

3.12.1 The details of all properly submitted candidate sites will be entered into a Candidate Site Register. This will be made public alongside the Local Development Plan Pre-Deposit Plan consultation. Properties bordering candidate sites will not be notified individually of the submission of a candidate site.

### **3.13 Feedback**

- 3.13.1
- All duly made representations at any of the formal consultation stages of the replacement Local Development Plan will be acknowledged by email or letter.
  - All duly made representations will be reported to the Local Development Plan Member Steering Group and Cabinet or Full Council following formal consultation stages. A summary of the representation along with a suggested Council response and any recommended changes will be made publically available.
  - Any petitions received will be acknowledged to the proposer of the petition.

### **3.14 How will we deal with your representations?**

- 3.14.1 Denbighshire County Council will consider all duly made representations made in writing by letter or email received by the specified closing date for any formal consultation period. Reporting of representations will be as set out above.
- 3.14.2 To be considered as ‘duly made’ at the Pre-Deposit stage each representation should be clear about what it relates to. Please note that representations made at the Pre-Deposit stage are not considered by the Inspector during the Examination in Public. If a concern raised during the Pre-Deposit stage has not been addressed to your satisfaction, an objection should be made at the Deposit Stage.
- 3.14.3 At the Deposit Stage, all duly made representations should set out what matter they relate to, what change(s) are being sought, the grounds on which the objection is being made and, if possible, the Test(s) of Soundness to which they relate. Details of the Tests of Soundness for a Local Development Plan can be found at Appendix 1. Duly made objections at the Deposit Stage can be considered by the Inspector at the Examination in Public.

### **3.15 Late representations**

- 3.15.1 Denbighshire County Council will only consider representations made in accordance with the relevant, specified consultation period. This means sending representations to Denbighshire County Council in writing or by email, by the closing date specified in the consultation publicity. To be logged as ‘duly made’ as a Local Development Plan representation they must specify the matters to which they relate at Pre-Deposit Consultation stage. At the Deposit Stage they should specify the matters to which they relate and the change being sought, the grounds on which they are made and, wherever possible, the Test(s) of Soundness to which they relate.
- 3.15.2 Advice on site submissions is provided under ‘Developers and Agents and those proposing sites for development.’
- 3.15.3 Objections should specify the change sought, the grounds on which they are made and wherever possible the Tests(s) of Soundness to which they relate. Duly made objections

at Deposit Stage can be considered at the Examination. Representations made at Pre-Deposit Stage are not considered by the Inspector.

- 3.15.4 If a representation is received later than the closing date and there was a clear attempt in good faith to submit in time the submission may still be considered as ‘duly made’ provided that appropriate objective evidence of posting or delivery is supplied to the reasonable satisfaction of the Authority.
- 3.15.5 Those who have a statutory right to appear before, and be heard by, the examination Inspector (i.e. objectors, those who seek a change to the plan – under Section 64(6) of the 2004 Act) may pursue their objections by using the written representation procedure if they do not wish to appear at the Examination. Objections pursued in this way carry as much weight with Inspectors as those made orally at Examination (Local Development Plan Manual Edition 2 paragraph 7.4.4.2).

#### **4. Monitoring and Review**

##### **4.1 Delivery Agreement**

The Delivery Agreement will be reviewed if:

- The Plan preparation process falls behind schedule (i.e. over 2 months)
- If significant changes are required to the Community Involvement Scheme
- If significant changes occur in the resources available to carry out Plan preparation

4.1.1 Achieving the objectives of the Delivery Agreement will be assessed through each stage of the Plan’s preparation.

4.1.2 Within 3 months of close of the Deposit consultation an updated timetable turning the indicative timings into definitive timings for the remaining stages will be submitted to the Welsh Government for agreement.

##### **4.2 Local Development Plan**

4.2.1 A major review of the Local Development Plan must be undertaken four years following first adoption.

4.2.2 Annual monitoring reports for the Local Development Plan will be submitted by the 31st of October each year to the Welsh Government covering performance for the previous financial year (ends in March). The reports will be made available on the Denbighshire County Council website and any critical issues that arise will feed into a review of the Plan.

A review of the Local Development Plan could mean a replacement Local Development Plan is needed or it requires alteration. A Review Report will be prepared within six months of a decision on the need for review of the Local Development Plan. A replacement or partial revision will also require changes to the Delivery Agreement in consultation with the Welsh Government.

## 5. Contact Details

Local Development Plan Team  
Strategic Planning and Housing  
Planning and Public Protection Service  
Denbighshire County Council  
PO Box 62  
Ruthin  
Denbighshire  
LL15 9AZ

Email: [planningpolicy@denbighshire.gov.uk](mailto:planningpolicy@denbighshire.gov.uk)

Tel: 01824 706916

Website: <http://www.denbighLocal Development Plan.co.uk/english/default.htm>

### **Planning Aid**

Planning Aid is a voluntary service linked to the Royal Town Planning Institute, offering free, independent and professional advice on town planning matters to community groups and individuals who cannot afford to employ a planning consultant. The contact details are:

- Ring: 029 2062 5000
- Email via website on <http://www.planningaidwales.org.uk/contact-us/>
- Or write: Planning Aid Wales, First Floor, 174 Whitchurch Road, Heath, Cardiff. CF14 3NB

## Appendix 1 – Soundness Tests

The fundamental concept of the Local Development Plan system is that the plan is the product of a thorough and comprehensive process of engagement with the community, where the planning authority has refined the options to produce what it considers to be a Sound plan. The presumption will therefore be that the Local Development Plan is Sound unless it is shown to be otherwise as a result of evidence considered at the Examination.

Consequently those who object will need to show why the plan is not Sound. Everyone making representations on the Local Development Plan will be encouraged to relate their comments to the Tests of Soundness.

Nonetheless, it is the responsibility of the appointed Inspector at the Examination stage, to consider the Soundness of the Local Development Plan as a whole. Whilst Inspectors will still consider individual objections it will be on the basis of how these address the Local Development Plan's overall Soundness.

The Examination will take the form of a public discussion where the issues to be discussed will be identified in advance by the Inspector and participants invited to contribute. Different types of procedures will be used but mostly round table discussions or hearings. Formal hearings may be used if the Inspector considers this necessary and appropriate. The Inspector will decide on the appropriate procedure with the presumption that it will be informal.

The Tests of Soundness relate to three areas:

- Does the plan fit? (i.e. is it clear that the Local Development Plan is consistent with other plans?)
- Is the plan appropriate? (i.e. is the Local Development Plan appropriate for the area in light of the evidence?)
- Will the plan deliver? (i.e. is it likely to be effective?)

More information on the Tests of Soundness can be found on the Inspectorate's website <http://planninginspectorate.gov.wales/?skip=1&lang=en> in a document entitled 'Local Development Plan Examinations: Procedure Guidance (August 2015)'.

## Appendix 2 – Timetable Risks

Issue	Risk level	Mitigation
Staff resources & availability	Medium	Seek assistance from other teams/planning authorities and prioritise recruitment if vacancies occur.
Availability of financial resources	Low	Reserve in place for Local Development Plan Review and replacement. Costs to be included in future service/council budgets.
Changing national legislation, policy or guidance	High	Monitor emerging policy and guidance and respond as appropriate.
Unexpectedly high levels of consultation responses / engagement	Medium	Allow for flexibility in the timetable and ensure administration systems are operational in advance of consultation/engagement.
Delays in printing or translation	Low	Ensure sufficient notice provided of printing /translation requests.
Local/general elections	Low	Local/general elections are not anticipated during the timetable of the Local Development Plan Review and replacement. Monitor and respond as appropriate.
Delays in receiving responses, information or evidence	Medium	Ensure early engagement with statutory consultees and programming of evidence gathering.
Lack of consensus or agreement on key issues	Medium	Ensure ongoing engagement with key stakeholders and Members.
Committee cycles / meeting timetables	Low	Allow for flexibility in the timetable and ensure Local Development Plan Review and replacement stages are included in forward work programmes.
Planning Inspectorate unable to meet timetable	Low	Liaise with the Planning Inspectorate at key stages of Local Development Plan preparation.
Legal challenge	Low	Ensure the statutory requirements are complied with.

## Appendix 3 – Consultation Groups

### Specific Consultation Bodies and UK Government Departments

<p>Energy infrastructure providers          CADW          Flintshire County Council          Wrexham County Borough Council          Powys County Council          Conwy County Borough Council          Gwynedd Council          Snowdonia National Park Authority          Department for Business, Energy and Industrial Strategy          Department of Transport          Dŵr Cymru          Home Office          Ministry of Defence          Natural Resources Wales          Network Rail          Conwy and Denbighshire Joint Public Service Board          Betsi Cadwalader University Health Board          Persons owning or controlling electronic apparatus          Secretary of State for functions previously exercised by the Strategic Rail Authority)          Town and Community Councils (and neighbouring town and community councils)          see separate list below          Welsh Government all policy areas</p>
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### City, Town and Community Councils – Denbighshire

Aberwheeler	Dyserth	Llangollen
Betws Gwerfil Goch	Efenechtyd	Llangynhafal
Bodelwyddan	Gwyddelwern	Llanrhaeadr yng Nghinmeirch
Bodfari	Henllan	Llantysilio
Bryneglwys	Llanarmon yn Iâl	Llanynys
Cefn Meiriadog	Llanbedr Dyffryn Clwyd	Nantglyn
Clocaenog	Llandegla	Prestatyn
Corwen	Llandrillo	Rhuddlan
Cyffylliog	Llandyrnog	Rhyl
Cynwyd	Llanelidan	Ruthin
Denbigh	Llanfair Dyffryn Clwyd	St Asaph
Derwen	Llanferres	Trefnant
Tremeirchion Cwm & Waen		

### Neighbouring Town and Community Councils

Abergele	Llanefydd	Llansantffraid Glyn Ceriog
Cefn	Llanfair TH	Minera
Ceiriog Uchaf	Llanfihangel GM	Nannerch
Cerrigydrudion	Llanfynydd	Nercwys
Cilcain	Llangernyw	Pen y Cae
Glyn Traian	Llangwm	Pentrefoelas
Gwernaffield	Llangynog	Ruabon
Gwernymyndd	Llangywer	Towyn & Kinmel Bay
Llanasa	Llanrhaeadr Ym Mochnant	Treuddyn
Llanderfel	Llansannan	Whitford
		Ysceifiog

**General Consultation Bodies - NB this list is not exhaustive**

(i) Voluntary bodies benefiting the area	<p><b>Denbighshire Voluntary Services Council</b> and the following groups:</p> <ul style="list-style-type: none"> <li>Arts Groups</li> <li>Carers</li> <li>Charities</li> <li>Childrens Groups</li> <li>Community Groups</li> <li>Disability Groups</li> <li>Education and Training Groups</li> <li>Environmental Groups</li> <li>Faith Groups</li> <li>Health Groups</li> <li>Heritage and Culture Groups</li> <li>Homeless</li> <li>Horticultural Groups</li> <li>Housing Groups</li> <li>Religious Groups</li> <li>Residents and Tenant Associations</li> <li>Scouts</li> <li>Senior Citizens</li> <li>Sports and Recreational Clubs</li> <li>Village Hall Committees</li> </ul>
(ii) Bodies representing the interests of different racial, ethnic or national groups in the area	<ul style="list-style-type: none"> <li>Citizen’s Advice Bureau</li> <li>Equality and Human Rights Commission</li> <li>Gypsy Association</li> <li>The Ethnic Minority Foundation</li> <li>National Old Age Pensioners Association Wales</li> </ul>
(iii) Bodies which represent the interests of different religious groups in the area	<ul style="list-style-type: none"> <li>Orthodox Christian Church in Wales</li> <li>Representative Body of the Church of Wales</li> <li>The Catholic Church in England and</li> </ul>



	<p>Wales</p> <p>The Methodist Church in Wales</p> <p>The Presbyterian Church in Wales</p> <p>Hindu Council UK</p> <p>Muslim Council of Britain</p> <p>Jewish Leadership Council</p>
(iv) Bodies which represent the interests of disabled persons in the area	<p>Disability Wales</p> <p>Disabled Persons Transport Advisory Committee</p> <p>Mind Cymru</p> <p>Wales Council for the Blind</p> <p>Wales Council for the Deaf</p> <p>Wales Council for Voluntary Action</p>
(v) Bodies which represent the interests of persons carrying on business in area.	<p>British Holiday and Home Parks Association</p> <p>Environmental Services Association</p> <p>Confederation of British Industry (Wales)</p> <p>Home Builders Federation</p> <p>Local and Regional Tourism Associations</p> <p>Campaign for Real Ale</p> <p>Country Land &amp; Business Association</p> <p>Farmers Union Wales</p> <p>Federation of Small Businesses</p> <p>Federation of Master Builders</p> <p>Denbigh and Flint Agricultural Society</p> <p>National Farmers Union of Wales</p> <p>Rail Freight Group</p> <p>Registered Social Landlords</p> <p>RenewableUK</p> <p>Wales Rural Forum</p>
(vi) Bodies which represent the interests of Welsh culture in the Denbighshire area.	<p>Cymuned</p> <p>Cadw</p> <p>Clwyd/Powys Archaeological Trust</p> <p>Clwydian Range and Dee Valley AONB</p> <p>Joint Committee and Partnership</p> <p>Menter Iaith Sir Dinbych</p> <p>Wales Rural Forum</p>

**Other Consultees - NB this list is not exhaustive**

Airport Operators

British Aggregates Association

British Geological Survey

Canal and River Trust, canal owners and navigation authorities

Centre for Ecology and Hydrology

Chambers of Commerce, local CBI, local Business Associations and local branches of Institute of Directors

Civil Aviation Authority  
Coal Authority  
Community Housing Cymru  
Country Land and Business Association  
Crown Estate Office  
Design Commission for Wales  
Disability Wales  
Disability Rights Commission  
Disabled Persons Transport Advisory Committee  
Electricity, Gas and Telecommunications Companies and the National Grid Company  
Environmental groups at national and regional level  
Environmental Services Agency (Waste)  
Equality and Human Rights Commission  
Farmers Union Wales  
Federation of Small Businesses  
Fields in Trust  
Fire and Rescue Services  
Forestry Commission Wales  
Freight Transport Association  
Gypsy Council  
Health and Safety Executive (HSE)  
Home Builders Federation  
Local community, conservation and amenity groups, including Wildlife Trusts  
Groups/Civic Societies  
Local transport operators  
National Farmers Union of Wales  
One Voice Wales  
Planning Aid Wales  
Police Architectural Liaison Officers  
Port Operators  
Post Office Property Holdings  
Professional Bodies not specifically listed (e.g. Royal Institution of Chartered Surveyors Wales, Royal Town Planning Institute in Wales, Chartered Institute of Housing Cymru, Institution of Civil Engineers, Chartered Institution of Waste Management)  
Public Health Wales  
Minerals Products Association  
Rail Freight Group  
Ramblers Association  
Residents Associations  
Sports Wales  
Train Operating Companies  
Wales Council for Voluntary Action  
Water Companies  
Welsh Environmental Services Association (representing waste industry)  
Welsh Language Commissioner



## Appendix 4 – Glossary of terms

Annual Monitoring Report (AMR)	This will assess the extent to which policies in the Local Development Plan are being successfully implemented (Regulation 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005.
Baseline	A description of the present state of an area against which to measure change.
Biodiversity Action Plan	A plan that sets objectives and actions for the conservation of biodiversity, with measurable targets, whose aim is to conserve and enhance nature across communities by bringing together all interests by involving sectors such as agriculture and business as well as the communities themselves. Action is developed and taken forward in partnership and in doing so reflects local priorities as well as biodiversity needs.
Candidate Site	Candidate Sites are those nominated by anyone for consideration by the LPA as allocations in an emerging Local Development Plan.
Candidate Sites Register	Register of candidate sites prepared following a call for candidate sites by Denbighshire County Council.
Community	People living in a defined geographical area, or who share other interests and therefore form communities of interest.
Community Involvement Scheme (CIS)	Sets out the project plan and policies of Denbighshire County Council for involving local communities, including businesses, in the preparation of its Local Development Plan. The CIS is submitted to the Welsh Government as part of the Delivery Agreement for agreement.
Community Strategy	Required by the Local Government (Wales) Measure 2009 (Part 2: Sections 37-46) with the aim of improving the social, environmental and economic well-being of their areas. See “Single Integrated Plan”.
Consensus building	A process of early dialogue with targeted interest groups to understand relevant viewpoints and agree a course of action.
Consultation	A formal process in which comments are invited on a particular topic or set of topics, or a draft document.
Consultation Body	An authority with environmental responsibilities concerned by the effects of implementing plans and programmes and which must be consulted under the SEA Regulations; i.e. Natural Resources Wales (NRW) and Cadw.
Consultation exercise	Single consultation project focused on a defined objective and usually part of an overall consultation programme.
Delivery Agreement (DA)	A document comprising Denbighshire County Council’s timetable for the preparation of it’s Local Development Plan together with its Community Involvement Scheme, submitted to the Welsh Government for agreement.
Deposit Documents	See “Local Development Plan documents”

Development management policies	A suite of criteria-based policies which will ensure that all development within the area meets the aims and objectives set out in the Strategy.
Engagement	A process which encourages substantive deliberation in a community. Proactive attempt to involve any given group of people/section of the community.
Environmental Report	Document required by the SEA Regulations which identifies, describes and appraises the likely significant effects on the environment of implementing the plan, see Sustainability Appraisal Report.
Evidence Base	Interpretation of Baseline or other information/data to provide the basis for plan policy.
Focussed Change (FC)	Changes proposed to the deposit Local Development Plan prior to submission that are extremely limited in number, that reflect key pieces of evidence, but do not go to the heart of the plan.
Habitats Regulations Assessment (HRA)	<p>The screening and appropriate assessment of options required under Part 6 Chapter 8 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) – a recognised iterative process which helps determine the likely significant effect on a plan or programme and (where appropriate) assess adverse impacts on the integrity of a European site.</p> <p>The assessment is required to be undertaken by a competent authority in respect of plans or projects which are likely to have a significant effect (alone and in combination with other plans and projects) on a “European site” (see paragraph 5.1.2 of TAN 5), or as a matter of policy a proposed “European site” or Ramsar site, under the provisions of Article 6(3) of the EC Directive 92/43/ECC (the Habitats Directive), regulations 61 and 102 of the Conservation of Habitats and Species Regulations (as amended) 2010, and, regulation 25 of the Offshore Marine Conservation (Natural Habitats &amp;c) Regulations 2007.</p>
Indicator	A measure of variables over time, often used to a measure achievement of objectives.
Initial SA Report	A term used in Local Development Plan Wales to refer to the SA Report, produced at the Preferred Strategy stage. This assesses the Local Development Plan options against the SA framework. The report is then expanded at the Deposit Local Development Plan stage and finalised alongside the Adoption Statement.
Involvement	Generic term to include both participation and consultation techniques.
Local Development Plan (or Deposit) Documents	These include the deposit Local Development Plan, the Sustainability Appraisal report, the initial consultation report,

	the candidate sites register, the Review Report (if appropriate), any relevant supporting documents.
Local Development Plan	The required statutory development plan for each local planning authority area in Wales under Part 6 of the Planning and Compulsory Purchase Act 2004. - A land use plan that is subject to independent examination, which will form the statutory development plan for a local planning authority area for the purposes of the Act. It should include a vision, strategy, area-wide policies for development types, land allocations, and where necessary policies and proposals for key areas of change and protection. Policies and allocations must be shown geographically on the Proposals Map forming part of the plan.
Local Planning Authority (LPA)	A planning authority responsible for the preparation of an Local Development Plan; i.e. County or Borough Council, or National Park Authority.
Local Well-being Plan	Under The Well-being of Future Generations (Wales) Act 2015 Public Service Boards will be established for each local authority area; it is intended that each will prepare a Well-being Plan to replace the SIP by April 2018 (s.39).
Matters Arising Change (MAC)	Change after submission of an Local Development Plan, where the appointed Inspector concludes the change is necessary for soundness having considered all the evidence submitted to the examination.
Mitigation	Measures to avoid, reduce or offset significant adverse effects.
Objective	A statement of what is intended, specifying the desired direction of change in trends.
Participation	A process whereby stakeholders and the community can interface with plan makers.
Partners	Other local authority departments and statutory bodies where the Local Development Plan will help to deliver some of the objectives of their strategies. Partners may be expected to contribute to formulating relevant parts of the Local Development Plan.
Pre-deposit proposals documents	These include the vision, strategic options, preferred strategy, key policies, the Sustainability Appraisal report, the candidate sites register, Review Report (if appropriate).
Pre-deposit stage	The participation and consultation stages prior to deposit; the Manual refers to the Strategic Options and Preferred Strategy stage which relate to the full plan procedure; reduced requirements relate to the short form plan revision procedure.
Press Releases	Sent to all local media, including newspapers, radio and television news stations. Media may choose not to print or broadcast the news item.

Review Report	The required statutory report under S69 of the 2004 Act and/or Reg41; to conclude on the Local Development Plan revision procedure to be followed based on a clear assessment of what has been considered and what needs to change and why, based on evidence.
Scoping SA	The process of deciding the scope and level of detail of an SA, including the sustainability effects and options which need to be considered, the assessment methods to be used, and the structure and contents of the SA Report.
Service Level Agreement (SLA)	An agreement with a statutory agency which sets the standards which it will aim to meet, and the costs arising. The Planning Inspectorate agrees one with the LPA in respect of a Local Development Plan Examination, setting out the likely timescales and cost of the examination and providing the LPA with clear guidance on the nature of their own responsibilities.
Significant effect	Effects which are significant in the context of the plan (Schedule 1 of the SEA Regulations gives criteria for determining the likely significance of effects on the environment).
Single Integrated Plan (SIP)	Discharges statutory duties identified by Welsh Government (“Shared Purpose – Shared Delivery”, WG 2012), including Community Strategies; prepared by a Local Service Board. See “Local Well-being Plans” which are to replace SIPs”.
Site specific allocations	Allocations of sites (proposals) for specific or mixed uses or development contained in a Local Development Plan. Policies will identify any specific requirements for individual proposals. Allocations will be shown on the Local Development Plan proposals map.
Soundness	In order to be adopted, a Local Development Plan must be determined ‘Sound’ by the Examination Inspector (S64 of the 2004 Act). Tests of Soundness tests and checks are identified in PPW (ch2) and the Manual (ch8).
Stakeholders	Interests directly affected by the Local Development Plan (and/or SEA) – involvement generally through representative bodies.
Strategic Environmental Assessment (SEA)	Generic term used internationally to describe environmental assessment as applied to plans and programmes. SEA process is derived from European legislation and defined at European level – Directive 2001/42/EC. The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (SEA Regulations) require a formal “environmental assessment of certain plans and programmes, including those in the field of planning and land use”.
Supplementary Planning Guidance (SPG)	Supplementary information in respect of the policies in a Local Development Plan. Supplementary Planning

	Guidance does not form part of the development plan and is not subject to independent examination but must be consistent with it and with national planning policy.
Sustainability Appraisal (SA)	Tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors). Each LPA is required by S62(6) of the 2004 Act to undertake SA of the Local Development Plan. This form of SA fully incorporates the requirements of the SEA Regulations. The term is used in this Manual to include Strategic Environmental Assessment, unless otherwise made clear.
Sustainability Appraisal Framework	This comprises the identified SA objectives against which Local Development Plan options are then assessed.
Sustainability Appraisal Report (SA Report)	Document required to be produced as part of the SA process to describe and appraise the likely significant effects on sustainability of implementing the Local Development Plan, which also meets the requirement for the Environmental Report under the SEA Regulations. S62(6) of the 2004 Act requires each LPA to prepare a report of the findings of the SA of the Local Development Plan. - The SA Report is first produced at the Preferred Strategy stage (the Interim SA Report), expanded at the Deposit Local Development Plan stage and finalised alongside the Adoption Statement.
The 2004 Act	A plan prepared and approved by the National Assembly for Wales under S60 of the 2004 Act, which sets out a strategic framework to guide future development and policy interventions, whether or not these relate to formal land use planning control. Under S62(5)(b) of the 2004 Act a local planning authority must have regard to the Wales Spatial Plan in preparing a Local Development Plan.



