

COUNCIL:

28 JANUARY 2016

CABINET PROPOSAL

ADOPTION OF THE CARDIFF LOCAL DEVELOPMENT PLAN

Reason for this Report

1. To seek the Council's approval to:
 - Adopt the Local Development Plan (LDP) and to endorse the Inspector's Report, Adoption Statement, Final Sustainability Appraisal Report and Habitats Regulation Assessment; and
 - Endorse the preparation of a programme of Supplementary Planning Guidance (SPG) over the next 18 months to amplify policies in the LDP.

Background

2. This report represents the culmination of over 9 years work in seeking to secure an adopted LDP for Cardiff. As the Council has now recently received the Inspectors Report, it has a duty to adopt the LDP within 8 weeks of receipt. The Inspectors Report is binding so there is no opportunity to request changes at this stage.
3. The first attempt at preparing a new LDP resulted in the Plan being withdrawn by the previous administration in 2010 following significant concerns raised by the Inspectors. Work commenced on the current Plan in 2010 and has followed a complex statutory process to reach the current position.
4. As existing Development Plans are out of date, it is crucial that a new Plan is adopted in order to provide an up to date framework which gives the certainty to effectively guide future development. This also fulfils the Council's duties under the Planning and Compulsory Purchase Act (2004) to prepare and keep under review a LDP for its area.
5. The LDP, once adopted, will be used by the Council to guide and manage development, providing a basis by which planning applications will be determined and will supersede the existing adopted development plan framework for Cardiff comprising the Cardiff Deposit Unitary Development Plan (2003), South Glamorgan (Cardiff Area) Replacement

Structure Plan, Mid Glamorgan County Structure Plan, South Glamorgan (Cardiff Area) Minerals Local Plan and City of Cardiff Local Plan.

6. In the course of preparation, the LDP has progressed through the following stages:
 - Delivery Agreement Consultation (June/July 2010)
 - Call for candidate sites (October/December 2010)
 - Vision and Objectives Consultation (November/December 2010)
 - Strategic Options and Sites Consultation (May/June 2011)
 - Preferred Strategy Consultation (October/November 2012)
 - Masterplanning Consultation (March 2013)
 - Deposit Plan Consultation (October/November 2013)
 - Alternative Sites Consultation (February/March 2014)
 - Submission to Welsh Government (August 2014)
 - Examination by Independent Inspectors (August 2014 to November 2015)
 - Inspectors Report (December 2015)

Examination

7. In order to determine whether the Plan satisfied the tests of soundness contained in national policy, the Deposit LDP, Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) were submitted to the Welsh Government and in turn the Planning Inspectorate for examination on 14th August 2014.
8. Two Inspectors were appointed by Welsh Government Ministers to examine the soundness of the Plan: Mrs Rebecca Phillips BA (Hons) MSc DipM MCIM MRTPI as lead Planning Inspector and Mr Richard Jenkins BA (Hons) MSc MRTPI as assistant Planning Inspector.
9. The Pre-hearing meeting was held on 4th December 2014 and the first round of 19 hearing sessions commenced on 13th January 2015 covering a wide range of topics relating to all aspects of the Plan.
10. Following the final first round of examination sessions, the Council published for public consultation a Schedule of Matters Arising Changes (MACs). These changes sought to ensure the Plan met the “tests of soundness” and responded to the need to comply with national policy and primary legislation. They also addressed action points raised by the Inspectors, policy matters emerging post LDP submission and, where appropriate, to respond to representations submitted in respect of the Plan.
11. The MACs were published for formal consultation between the 11th June and 23rd July 2015 with some 74 duly made responses received. All responses received were (in accordance with procedural requirements) forwarded to the Inspectors for consideration. Following consideration of these responses the Inspectors held a second round of 7 hearing sessions on 28th and 29th September, 2015 covering focused topics

including the Green Belt, minerals, transport/infrastructure and monitoring arrangements.

12. Following this second round of examination sessions, the Council published for public consultation an additional Schedule of Matters Arising Changes between 15th October and 26th November 2015 with some 49 duly made responses received. Again, all responses received were forwarded to the Inspectors for consideration in the formulation of the Inspectors Report.

Inspector's Report

13. The Council received the Inspector's Report on 5 January 2016. The LDP Regulations place the Council under a duty to adopt the Plan within 8 weeks of receipt of the Inspectors Report.
14. In accordance with Regulations, the Inspector's Report has been placed in the public domain with participants, consultees, and other interested parties involved in the LDP process informed accordingly. The Inspector's Report is available for inspection at County Hall, all local libraries and is available on the Council's website.
15. The Report concludes that, subject to the recommended changes, the Cardiff LDP 2006 to 2026 satisfies the requirements of section 64(5) of the 2004 Act and meets the procedural, consistency, and coherence and effectiveness tests of soundness contained in LDP Wales: Policy on Preparation of LDPs. The Inspectors consider that the Council has sufficient evidence to support the LDP Strategy and has shown that it has a realistic prospect of being delivered.
16. The Inspectors Report is contained with Appendix 1 of this report and contains a number of recommended binding changes in order to meet legal and statutory requirements and ensure the Plan to meets the Tests of Soundness. A summary of the Report is contained in Appendix 2.
17. A tracked changes version and composite version of the LDP, incorporating the changes recommended and endorsed by the Inspectors, is attached as Appendix 4 and 5 to this report. These also include the consequential changes required in terms of policy and paragraph numbering.
18. As highlighted above, the Council is required by statutory regulations to adopt the LDP, as amended by the Inspectors binding report, by a resolution of Council. This must be carried out within 8 weeks of receipt of the final Inspector's Report (which was received on 5 January 2016). The LDP will become operative on the date it is adopted by the Council. Should the Council not agree to adopt the LDP, the Welsh Government does have the power to intervene and approve the LDP on the Council's behalf.
19. In accordance with the LDP Regulations, when a Local Planning Authority adopts its LDP, it is required to produce and publish an

Adoption Statement which also incorporates a statement relating to Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA). This document is attached as Appendix 3 to this report.

20. The final SA/SEA and Habitats Regulations Assessment (HRA) are also required to be published alongside the Adopted LDP. The final SA/SEA and HRA Reports have been updated to take account of the Inspector's recommended changes and are attached as Appendix 6 and 7 to this report.

Next Steps

21. Subject to a resolution from Council to formally adopt the LDP, and in accordance with the LDP Regulations, notification of the Adopted LDP and its supporting documentation will be published by means of a statutory notice and advertisement in the local press. Notification and/or documentation will also be sent to interested parties, stakeholders and consultees who have been involved in, or requested to be kept informed of the plan preparation process. The Adopted LDP and supporting documentation will also be made available at the County Hall, all public libraries and on the Council's website. The Plan is then subject to a six-week challenge period to the High Court provided by section 113 of the 2004 Planning and Compulsory Purchase Act.
22. Upon adoption, the LDP will become the statutory development plan for Cardiff at which time all existing adopted development plans will be cancelled.
23. Member briefings will be arranged following Council to outline the main policies and provisions of the LDP.
24. The Council has a number of Supplementary Planning Guidance (SPGs) which were prepared to supplement the policies contained in previous adopted plans listed in paragraph 5. In order to ensure conformity with LDP policies, a review of these will be carried out as soon as is practicable following adoption of the LDP to assess which of these can continue be used in development management decisions pending preparation of new SPG to supplement the LDP. A programme of SPG to support and amplify the policies in the LDP will also be produced over the next 18 months. All SPG will be subject to Council approval and a full schedule of SPG, together with an indicative timetable for their production, is set out in Appendix 8 of this report. Additional SPGs will also be prepared as and when required following adoption of the LDP.

LDP Monitoring and Implementation

25. Following adoption, the Council has a statutory requirement to prepare and submit an Annual Monitoring Report (AMR) on the LDP to the Welsh Government. The AMR will examine whether the LDP's policies are being properly implemented, land-use allocation are being delivered and whether any policies need to be reviewed. The AMR was developed during the examination process and contains over 100 indicators which

must be formally reported on each autumn, with the first Report due in October 2017. The Council will also be required to undertake a full review of the LDP 4 years after adoption.

Reason for Recommendations

26. In accordance with Regulations, to seek the Council's approval to adopt the Local Development Plan (LDP) and to endorse the Inspector's Report, Adoption Statement, Final Sustainability Appraisal Report and Habitats Regulation Assessment and to endorse the preparation of a programme of Supplementary Planning Guidance (SPG) over the next 18 months to amplify policies in the LDP.

Financial Implications

27. The costs associated with adopting the Cardiff Local Development Plan and undertaking the next steps i.e. carrying out a public consultation and preparing a programme of Supplementary Planning Guidance (SPG), can be met from within existing resources allocated for this purpose.

Legal Implications

28. The Council has a statutory duty under the Planning and Compulsory Purchase Act 2004 to prepare and keep under review a Local Development Plan for its area, to provide the key policy framework for the determination of future planning applications and the provision of sustainable development.
29. The Council has now received the Inspectors Report which has concluded that, subject to a number of recommended binding changes in order to meet legal and statutory requirements, the Cardiff Local Development Plan 2006 to 2026 (LDP) is sound and deliverable. In accordance with the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, the Council is now required to adopt the LDP as amended by the Inspector's binding report by resolution of the Council within 8 weeks of receipt of the Inspectors report. If the Council failed to adopt the LDP at this stage, then it would be difficult to control future development and there would also be a risk of the Welsh Government intervening and approving the LDP on the Council's behalf.
30. In accordance with the above regulations when the Council adopts its LDP it is required to prepare and publish an Adoption Statement and to make this available together with the Inspectors Report, the Adopted LDP, Final Sustainability Appraisal Report and Habitats Regulation Assessment. Notification and/or documentation will also be sent to interested parties, and made available as detailed in paragraph 21 above
31. An Equality Impact Assessment Screening on the LDP has been undertaken and is available as a separate document on the Council's website at the following link:

<https://www.cardiff.gov.uk/ENG/resident/Planning/Local-Development-Plan/Documents/Equality%20Impact%20Assessment.pdf>

32. Whilst the final version of the Plan has sought to pick up all the agreed Matters Arising Changes (MACS) and recommended Inspectors Matter Arising Changes (IMACs), there may be some outstanding typographical or factual errors such as altered policy cross-references and paragraph numbering which are identified during the final publication of the document . It is therefore recommended that officers be authorised to correct these.

RECOMMENDATION

Council is recommended to:

1. adopt the Cardiff Local Development Plan 2006 to 2026 and endorse the Inspectors Report, Adoption Statement, Final Sustainability Appraisal Report and Habitats Regulation Assessment
2. endorse the preparation of the programme of Supplementary Planning Guidance (SPG) as set out in Appendix 8 and authorise the Director of City Operations to issue SPG for public consultation prior to it being considered by Cabinet and Council for final approval.
3. Agree that the Director of City Operations be authorised to correct any typographical and factual errors together with any other necessary presentational matters and consequential changes prior to the final publication of the Cardiff Local Development Plan.

THE CABINET

21 January 2016

The following appendices are attached:

Appendix 1- Inspector's Report

Appendix 2 -Summary of Inspectors Report

Appendix 3 - The Adoption Statement

Appendix 4 - Tracked Changes Version of LDP (showing changes to Deposit LDP) (available in hard copy on request)

Appendix 5 - Clean Version of LDP to be adopted

Appendix 6 - The Final Sustainability Appraisal Report

The Final Sustainability Appraisal Non Technical Summary

The Final Sustainability Appraisal Appendix G

The Final Sustainability Appraisal New Appendix I

Appendix 7 -The Habitats Regulation Assessment

Appendix 8 - Programme of SPG