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**DEPOSIT LOCAL DEVELOPMENT PLAN – SCRUTINY TASK & FINISH  
GROUP INQUIRY REPORT**

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**Reason for the Report**

1. To formally present the draft report of the cross-committee scrutiny inquiry into the Deposit Local Development Plan (LDP) prior to its submission to the Cabinet at its meeting on 7 November 2013.
2. To seek its endorsement by the Policy Review & Performance Scrutiny Committee.

**Background**

3. Following the deposit of Cardiff's LDP in April 2009, the Plan was submitted to the Welsh Assembly Government for Examination in November 2009. However in view of significant concerns raised by the Inspectors examining the Plan, and following agreement from the Welsh Assembly Government, the Council withdrew the LDP from the Examination in March 2010 and commenced work on preparing a new Plan.
4. Scrutiny has considered Council's progress towards securing an LDP at each stage of the Plan's development via a task and finish group of volunteers from all five scrutiny committees. The LDP Preferred Strategy was scrutinised by a representative and politically proportional task group including the five Scrutiny Chairs and Members from each of the scrutiny committees in summer and autumn 2012. The task group reported formally to the Policy Review & Performance Scrutiny Committee at its 3 October 2012 meeting.

5. The group was reconstituted in order to consider the proposed Masterplanning General Principles and reported to this Committee on 17 April 2013.
6. In July 2013, the group was reconstituted once again to consider the Deposit Local Development Plan.
7. Following some changes to Committee membership at the Council's Annual General Meeting in May Members of the task and finish group were:

**Community & Adult Services Scrutiny Committee**

Councillor Daniel De'Ath

Councillor Eleanor Sanders

**Children & Young People Scrutiny Committee**

Councillor Sue Lent

Councillor Chris Davis

**Economy & Culture Scrutiny Committee**

Councillor Craig Williams

Councillor Phil Hawkins

**Environmental Scrutiny Committee**

Councillor Paul Mitchell (Chair)

Councillor Bob Derbyshire

Councillor Elizabeth Clark

Councillor Rod McKerlich

Councillor Jacqueline Parry

**Policy Review & Performance Scrutiny Committee**

Councillor Nigel Howells (Chair)

Councillor Garry Hunt

Councillor Adrian Robson

Councillor David Walker

8. Joint chairing arrangements had been established in previous stages of LDP inquiry. Following the earlier Inquiry agreement that Councillor Clark (Policy Review and Performance Scrutiny Committee) would chair the Masterplanning stage of the Inquiry, it was decided that Councillor Mitchell (Environmental Scrutiny Committee) would act as Chair for the Deposit Plan stage.
9. The task and finish group first met in July 2013 to consider a 'working draft no status' version of the Deposit Plan which has been released by then Cabinet Member for Strategic Planning, Highways, Traffic & Transportation, Councillor Ralph Cook, to enable the Inquiry. Although its early release was welcomed, there were felt to be some clear gaps in the information contained within the Deposit Plan and in the background and supporting papers. This particularly concerned Affordable Housing targets, Gypsy and Traveller provision and the Strategic Sites' Masterplans. These issues had had direct relevance to the withdrawal of the previous Local Development Plan. In order to have the opportunity to consider the full and final draft of the Deposit Plan, the Inquiry group decided to carry out the substance of its investigation during the public consultation period, following the publication of the Deposit LDP and full supporting information with Cabinet and Council papers.
10. The Inquiry therefore met again in September and October 2013, in two day-long and one half day meetings.

### **Internal Witnesses**

- Andrew Gregory, Director of Strategic Planning, Highways & Traffic & Transport
- James Clemence, Operational Manager, Planning Policy
- Neil Hanratty, Director of Economic Development
- Jonathan Day, Business Development Manager – Economic Development
- Paul Carter, Operational Manager, Transportation
- Jason Dixon, Team Leader - Transport Planning
- Matt Price, Principal Officer - Transport Planner
- Sarah McGill, Director of Communities, Housing and Customer Service

- Gareth Harcombe, Operational Manager, Regeneration.

### **External Witnesses**

- Peter Cox, Cardiff Civic Society
- David Eggleton, Cardiff Civic Society
- Mike Harper, Cardiff Civic Society
- Professor Stuart Cole, University of South Wales.

11. The Deposit LDP Inquiry report will be submitted to the Cabinet on 7 November 2013, during the public consultation.

### **Issues**

12. One of the report recommendations is that this Committee should:

“Re-convene the Local Development Plan cross-committee Inquiry group to consider the implications of the Community Infrastructure Levy and changes to Section 106 funding in depth. As this was not originally intended as part of the LDP Scrutiny Inquiry, membership should be opened back out to members of all Scrutiny committees.”

13. Key findings 15 to 19 in the attached report cover issues highlighted regarding the Community Infrastructure Levy and Section 106 agreements and these are summarised below.

14. The Infrastructure Plan supporting the LDP includes well over £1 billion of infrastructure requirements. Developer contributions are often realised through s106 agreements, and their use will be restricted from April 2014. In parallel with s106, the Council will have the option to adopt a Community Infrastructure Levy (CIL), which could achieve significant levels of capital funding. The level of CIL which will be charged will be set with reference to detailed development viability testing and will be subject to publication and consultation via a Draft Charging Schedule. Evidence will then undergo a formal examination before the CIL can be adopted. The balance of s106 and CIL has yet to be determined, but given the restrictions imposed on s106, it is likely that CIL will be more suited to county-

wide, large-scale provision, while s106 funds will be more appropriate for infrastructure needs within development sites and which arise directly from development proposals.

15. The Inquiry group has therefore recommended that they undertake a further exploration of these issues. This is likely to take place in early 2014.

### **Way Forward**

16. Attached at **Appendix A** is the final draft report of the task group. Members are particularly referred to the Context section of the report (page 9), Key Findings (pages 6-15), and the recommendations (pages 20-21). These are based on the evidence heard throughout the task and finish group Inquiry.

17. Members may wish to consider the report and agree whether to approve the report and refer it for consideration by the Cabinet.

### **Legal Implications**

18. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## **Financial Implications**

19. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

## **RECOMMENDATIONS**

The Committee is recommended to:

- i. endorse the task and finish group's report, subject to any comments or amendments the Committee wishes to make, for submission to the Cabinet;
- ii. agree that a further stage of the cross-committee LDP inquiry be established reporting to this Committee in order to consider the implications of Section 106 and Community Infrastructure Levy funding.

**MARIE ROSENTHAL**

County Clerk and Monitoring Officer (Democratic Services)

23 October 2013

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**A Report of:  
Policy Review & Performance Scrutiny Committee**

Cardiff Local Development Plan  
2006-2026

**Deposit Plan**

October 2013



County Council of The City and County of Cardiff

## CONTENTS

CONTENTS .....	2
CHAIRS' FOREWORD .....	3
TERMS OF REFERENCE .....	4
KEY FINDINGS.....	6
RECOMMENDATIONS.....	16
CONTEXT.....	20
KEY EVIDENCE .....	22
PROCESS FOR SCRUTINY OF THE DEPOSIT LOCAL DEVELOPMENT PLAN.....	59
REFERENCES / BACKGROUND PAPERS .....	61
LEGAL IMPLICATIONS .....	62
FINANCIAL IMPLICATIONS.....	62
POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE MEMBERSHIP.....	63
POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE TERMS OF .....	64
REFERENCE	



## CHAIRS' FOREWORD

The Council is responsible for the Local Development Plan (LDP) that essentially maps out the future of the Capital City of Wales for decades to come. Currently, the Council has no LDP whatsoever and until the final version is deposited in October 2015, Cardiff remains uniquely vulnerable to the chaos of 'development by appeal'. The Council cannot wait for a Regional Plan to evolve as this merely extends the period during which every open space in the capital is at risk and so the Council has grasped the nettle and moved the process on as quickly and as openly as possible.

Scrutiny can play an important role in providing stakeholders, members of the public and constructive critics with another analytical platform from which to contribute to this fast-moving and consultative process. With this in mind, the key role of this task and finish group was to test the Deposit LDP against the ten tests of soundness against which the Inspectorate will eventually examine the Plan. This third phase of scrutiny took place over the course of five meetings from July to October 2013 and we would like to thank contributing officers and external witnesses such as Professor Stuart Cole who provided important key rail infrastructure input and the broader inputs from Peter Cox, David Eggleton and Mike Harper of the Cardiff Civic Society.

We commend the Key Findings and Recommendations contained in this report to the Cabinet and the Council and look forward to further sessions of this task and finish group as the LDP is refined prior to the Final Deposit stage in October 2015.



*Councillor Paul Mitchell, Chair, Environmental Scrutiny Committee*  
*Councillor Nigel Howells, Chair, Policy Review and Performance Scrutiny Committee*

## TERMS OF REFERENCE

To scrutinise the Deposit Local Development Plan against the ‘ten tests of soundness’:

### Procedural Tests

- Prepared in accordance with the Delivery Agreement including the Community Involvement Scheme (*referred to as P1 henceforth*)
- Plan and policies have been subjected to Sustainability Appraisal including Strategic Environmental Assessment (*P2*)

### Consistency Tests

- It is a land use plan that has regard to other relevant plans, policies and strategies relating to the area or adjoining areas (C1)
- It has regard to national policy (C2)
- It has regard to the Wales Spatial Plan (C3)
- It has regard to the Community Strategy (C4)

### Coherence and Effectiveness Tests

- The Plan sets out a coherent strategy from which its policies and allocations flow and, where cross boundary issues are relevant, it is compatible with the development plans prepared by neighbouring authorities (CE1)
- The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust and credible evidence base (CE2)
- There are clear mechanisms for implementation and monitoring (CE3)
- It is reasonably flexible to enable it to deal with changing circumstances (CE4).

Members for this stage of the task and finish Inquiry were:

**Community & Adult Services Scrutiny Committee**

Councillor Daniel De'Ath

Councillor Eleanor Sanders

**Children & Young People Scrutiny Committee**

Councillor Sue Lent

Councillor Chris Davis

**Economy & Culture Scrutiny Committee**

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**Policy Review & Performance Scrutiny Committee**

Councillor Nigel Howells (Chair)

Councillor Garry Hunt

Councillor Adrian Robson

Councillor David Walker

## KEY FINDINGS

- KF1. Cardiff remains in a vulnerable position when considering planning applications because the lack of a Local Development Plan assist developers in challenging Council planning decision – a chaotic situation referred to as ‘planning by appeal’.
- KF2. Full Council has now approved the Deposit LDP to go out to public consultation for six weeks on 15 October 2013. Stakeholder and drop-in sessions will be held, publicised via a variety of media. Members found the Plan documentation, as published with Full Council papers, was difficult to navigate, lacking obvious page and section headers.
- KF3. The development of the Plan is within the timetable set out within the Delivery Agreement agreed with Welsh Government, despite the tight timescale for delivery.
- KF4. Supplementary planning guidance will be a factor in putting the visions contained within the LDP into practice.
- KF5. The Council will be required to publish an annual LDP monitoring report each 31<sup>st</sup> October throughout the Plan period after the Plan is adopted. There is also a formal four-year review period.
- KF6. The main changes which have been made between the development of the Preferred Strategy and the Deposit LDP are:
- The inclusion of a Green Belt to the north of the M4;
  - Reduction in the overall level of housing growth from 45,400 in the Preferred Strategy to 41,100 dwellings in the Deposit LDP;
  - The inclusion of a ‘flexibility allowance’ of 10% over a number of sites to accommodate higher build rates if necessary;
  - Reduction in the overall number of dwellings proposed on some of the strategic sites;

- Additional detail on the masterplanning framework and transportation infrastructure;
- The inclusion of the Eastern Bay Link following Welsh Government support for the scheme;
- The setting of the affordable housing target at 30% for Greenfield sites and 20% for brownfield sites;
- Gypsy and Traveller provision at Seawall Road (Splott ward);
- Allocation of land for health-related use adjacent to Heath Hospital and employment use at Maindy Road (Cathays ward).

KF7. Public engagement and communication surrounding the development of the Local Development Plan has been very open. While admirable, this has on occasion led to some public unease, in particular regarding Gypsy and Traveller site assessments and the sites comprising the flexibility allowance.

KF8. The Preferred Strategy consulted on an 'Option B' level of growth at 45,400 dwellings and 40,000 jobs. Consultation responses were mixed on this level of growth. Given this response a further report was commissioned from Edge Analytics which is based on additional evidence, including the detailed demographic statistics from the 2011 Census, and updated mid-year estimates for 2002 - 2011. This has resulted in the revised growth level of 41,100 in the Deposit LDP. This growth level diverges from Welsh Government estimates, but officers anticipate the Edge Analytics report will be taken into account during inspection. Further details can be found from paragraph 25 of the report.

KF9. The Deposit LDP identifies Greenfield and brownfield sites to meet this growth. Around 60% of new dwellings will be built on brownfield sites. Of the overall requirement for 41,100 dwellings over the plan period, over 12,000 have already been built and another 9,000 have planning consent or Section 106 agreements in place. Almost 14,000 will come from the identified strategic sites. It is Members' aspiration that development will be phased so that brownfield sites included in the Plan are developed prior to Greenfield sites, to avoid 'cherry picking' by developers', as well as avoiding Greenfield sites being developed piecemeal, to enable infrastructure to be put in place in a timely fashion.

- KF10. Flexibility of provision is a key requirement under the 'ten tests of soundness'. The Deposit LDP identifies a certain number of sites as 'pressure valves' to provide an additional 4,000 homes if necessary. These will be released for development should the annual monitoring of the Plan show that there is a need in future.
- KF11. If the Plan is seen to be too prescriptive, it is unlikely to meet the tests of soundness.
- KF12. The Deposit Plan sets out a growth forecast of 40,000 new jobs in Cardiff over the Plan period; the Council must ensure adequate land is allocated to enable these jobs to be created. The aim is to create a range and choice of job opportunities via different types of employment sites. Protection of existing employment land (e.g. maintaining industrial/business rather than housing use) is key. Officers report that the anticipated requirement of 1 million sq ft of Grade 'A' office space is achievable by the end of the Plan period, given current annual completion rates. Members agreed that there is a need to ensure a range of office accommodation and control the change of use of Grade 'B' and 'C' office accommodation to other uses (e.g. student accommodation) as far as possible. Employment levels had been largely static since 2006 so most jobs would have to be created during the remainder of the Plan period (c. 3,000 per annum).
- KF13. Members are of the opinion that the need to protect existing employment sites should look at retaining particular employment uses (i.e. industrial vs retail use) to ensure the desired mix of job opportunities.
- KF14. There was a perception among some witnesses that the Council's economic vision is disconnected from the Local Development Plan.
- KF15. The phasing of provision of community infrastructure and developments is essential in order to create strong, sustainable communities. The Plan states that

it 'sets out an approach which requires the timely provision of new infrastructure.'<sup>1</sup> The Infrastructure Plan divides infrastructure items into two categories: infrastructure to enable growth; and infrastructure to support growth.<sup>2</sup> Members feel that the Council should work to ensure that infrastructure is phased appropriately, but have been informed that this can be difficult to achieve in practice.

KF16. The Infrastructure Plan includes well over £1 billion of infrastructure requirements. Funding for this may come from a variety of sources, including government funding, the Council, grants, developers and the private sector. Developer contributions are often realised through s106 agreements. From April 2014 their use will be restricted. In parallel with s106, the Council will have the option to adopt a Community Infrastructure Levy (CIL), which could achieve significant levels of capital funding. The CIL can only be progressed by local authorities once they have an up to date LDP in place. It is currently unclear how much funding can be achieved from Section 106 and CIL funds across the rest of the Plan period. There may be a significant funding gap in meeting the infrastructure requirements, which should be monitored regularly as part of the annual LDP review.

KF17. The level of CIL which will be charged will be set with reference to detailed development viability testing and will be subject to publication and consultation via a Draft Charging Schedule. Evidence will then undergo a formal examination before the CIL can be adopted.

KF18. The balance of s106 and CIL has yet to be determined, but given the restrictions imposed on s106, it is likely that CIL will be more suited to county-wide, large-scale provision, while s106 funds will be more appropriate for infrastructure needs within development sites and which arise directly from development proposals.

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<sup>1</sup> Cardiff Deposit Local Development Plan 2006-2026, 4

<sup>2</sup> Background Technical Paper No 6 – Infrastructure, 1.6.1

KF19. The development of the Masterplanning Framework has demonstrated that there is significant scope for internal Council and external partnership collaboration and shared asset usage (for example shared buildings such as Community Hubs) in order to reduce infrastructure costs.

KF20. The Infrastructure Plan identifies capital costs of new facilities, but does not identify the revenue costs of their future running and maintenance.

KF21. The Deposit LDP establishes an overall aim to minimise travel demand and provide a range of measures and opportunities which reduce reliance on the car.

KF22. Traffic on Cardiff's roads grew by 9% between 2002 – 2012 and 56% of Cardiff's residents travel to work by car.<sup>3</sup> The 2001 Census indicates that approximately 80% of commuters travelled to Cardiff by car. Nearly 77,900 people commute into Cardiff each day by all modes (37% of Cardiff's workforce).<sup>4</sup>

KF23. Travel on rail services has increased considerably, with passenger numbers at Cardiff stations having increased by 82% between 2001 and 2011. Cardiff Central and Cardiff Queen Street stations experienced an increase in patronage of 100% and 53%<sup>5</sup>. Cycle use increased by 10% over the same period.<sup>6</sup> Bus use fell by 7% from 2001 - 2011.<sup>7</sup>

KF24. The main goals of the transport strategy and policies set out in the LDP are that:

- At least 50% of all journeys should be undertaken by walking, cycling or public transport by 2026;
- Rapid transit corridors (which may include heavy rail, light rail, tram train and bus rapid transit) will be put in place to serve the strategic sites;
- The existing main bus corridors will be improved and the local bus network extended;

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<sup>3</sup> Ask Cardiff survey, 2012

<sup>4</sup> Statistics on Commuting in Wales, 2011

<sup>5</sup> Annual Rail Patronage surveys, calculated from 5 year rolling averages

<sup>6</sup> Annual patronage surveys undertaken in Cardiff City Centre, calculated from 5 year rolling averages.

<sup>7</sup> Annual patronage surveys undertaken in Cardiff City Centre, calculated from 5 year rolling averages.



- New developments will be accessible by walking and cycling and well-integrated with existing communities;
- Supporting measures will be put in place to manage demand and encourage sustainable travel

The detail behind some of these transportation measures are still under development. In addition, there is still uncertainty around the Central Transport Hub, including whether it is being proposed North or South of the main railway line.

KF25. Throughout the LDP scrutiny inquiry, Members have emphasised the need to protect transport desire lines. While the Cabinet accepted that recommendation, legal advice is that this cannot be done in a blanket manner, but may be achievable on a site by site basis.

KF26. Ongoing dialogue with communities which may be affected by future major transport projects is important. In some areas the possibility of compulsory purchase orders being used in order to protect desire lines is already of concern to residents. Members were of the opinion that residents should be protected from the effects of planning blight resulting from future transportation developments.

KF27. Sustainable transport choices should equally be available for special events and sporting occasions across the whole week, and not just for commuter journeys.

KF28. A key issue for the LDP is to deal with the impact of new communities being developed, but also to deal with that impact on existing communities. The LDP presents opportunities to correct issues within existing communities where sustainable transport options are not readily available.

KF29. There is a need to put in place supporting infrastructure to ensure that sustainable transport choices are attractive and viable: sufficient and secure cycle storage at transport hubs, for example; safe walking routes to stations. Existing stations often do not have this type of supporting infrastructure in place.

- KF30. Work is ongoing for the Welsh Government to develop proposals for a metro system. Developments are also underway for the M4 relief road and the eastern Bay Link road. Timescales for these projects have yet to be determined. There was a perception among some witnesses that this work is disconnected from what Cardiff is doing in developing its LDP; the Council seems to be required to proceed according to timescales which are impossible given the information available.
- KF31. Transport links from the North West to the city centre are already at capacity. The disused rail line across the North West site is the most obvious solution to network pressure from the area, but has high cost implications which would necessitate a city-region approach and is at risk of not proceeding. Although a decision has not yet been made, it is possible that even if pursued, this solution would not be in place before 2022. However, in the North East largely bus-based provision is under consideration. It is hoped to improve transport corridors and to extend and improve bus routes via the new sites into Pontprennau. Express routes into the city centre are being explored. Members were concerned about the potential impact on routes closer to the city centre (e.g. City Road, Cyncoed Road, Albany Road and Richmond Road).
- KF32. Bus services are less regulated than rail services and easier to withdraw. If infrastructure is put in place, there is no guarantee that it will continue to be used.
- KF33. Cardiff has established a significant need for social housing; there are 9,710 people currently on the combined housing waiting list. The Local Housing Market Assessment (2013) indicates a need for over 3,989 affordable dwellings for each of the next 5 years to address this need. At the time the Working Draft Deposit Plan was released, the affordable housing target for developments of over 10 dwellings was 40%. The final Deposit Plan set a target of 30% on Greenfield and 20% on brownfield sites. Exact levels per site will be determined in negotiation with developers.

KF34. The Inspectorate must be convinced by the evidence that any targets are viable. In other local authorities much lower targets have been justified. Experience has shown that expected dwelling completions are not being met and some brownfield developments require prohibitive high clearance costs.

KF35. Affordable housing provision must be balanced with other community infrastructure needs in terms of use of available funding.

KF36. There is a need for joined-up thinking in terms of location of affordable housing within a site. It should have very easy access to public transport nodes.

KF37. The Deposit LDP does not set out how affordable housing provision should be laid out within sites. Members are strongly concerned that this may lead to the creation of 'mini ghettos' of affordable housing in strategic sites.

KF38. The Deposit LDP does not include an exact definition of affordable housing (i.e. a level of rent which could be considered 'affordable'), partly because this is still being investigated.

KF39. Greenbelts can:

- prevent the coalescence of large towns and cities with other settlements;
- manage urban form through controlled expansion of urban areas;
- assist in safeguarding the countryside from encroachment;
- protect the setting of the urban area; and
- assist in urban regeneration by encouraging the recycling of derelict land and other urban land.

KF40. 82% of Citizens Panel respondents were in favour of a Green Belt in Cardiff, as well as 91.8% of general consultation respondents. The Civic Society has also indicated its support.

- KF41. The Inspectorate may challenge the Green Belt's inclusion in the Plan. It is possible that that element could be taken out and the Plan be allowed to pass inspection. There are strict controls over the development within Green Belts.
- KF42. It is considered that the proposed Green Belt would cover a very defined area, which is topographically distinct, and therefore will meet the requirements for creation.
- KF43. The designation of a Green Belt could be useful starting point for further city region discussions, given its likely impact on neighbouring authorities.
- KF44. The Council has a duty to identify the need for Gypsy and Traveller sites and to include policies for the provision of appropriate sites in development plans. Gypsy and Traveller need has been assessed at 108 pitches, plus 10 transit pitches.
- KF45. The LDP does not meet this assessed need, although only 43 pitches are required now, with an identified future need for a further 65 pitches from the formation of new households.
- KF46. There are significant concerns with the current condition of the Council's Rover Way Gypsy and Traveller site in the Splott ward. If these are addressed within the Plan period, and the Rover Way site closes, there will be a need for a further 21 pitches.
- KF47. There are currently no transit sites in Cardiff (and few in South East Wales). The M4 was noted as a main transit route.
- KF48. The Deposit LDP includes a Gypsy and Traveller site at Seawall Road (Splott ward) which had been dismissed by the Peter Brett study of potential sites due to flood risk, although they had recommended that this be kept under review. A more detailed consideration of the site had identified that the flood risk at present is within current guidelines, and that a sufficient area of the site is at a sufficiently

high elevation to make the site viable. Flood risk may pose a problem in later years.

KF49. Members questioned whether the LDP would pass inspection without having identified sites to fully meet the identified Gypsy and Traveller need. They were informed that the Council was continuing dialogue with Welsh Government regarding the methodology for assessing need, which perpetuates assessed need where provision already exists, i.e. Caerphilly with no existing provision will continue to have no assessed need to provide pitches.

KF50. Progress on delivering the recommendations set out in the Draft Preferred Strategy and Masterplanning stages of the scrutiny inquiry are attached at Appendix A **(to follow)**.

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## RECOMMENDATIONS

### Public engagement

R1. The Cabinet is recommended to ensure that during the remaining phases of the development of the LDP, all documents and web pages relating to the Plan are made easier to navigate. A key part of public consultation is that it should be as accessible as possible, using a variety of methods, including web-based and non-web-based media. Use should be made of Council facilities and the Capital Times to ensure that hard copies of the LDP are available.

(supported by Key Findings 2, 7, 26)

R2. The Cabinet is recommended to consider its communication strategy for the remainder of the Local Development Plan process, in order to ensure dialogue with new and existing communities is open, while ensuring that the true implications of potential decisions are communicated. In particular the Cabinet is recommended to communicate the detail of the vision of what our city will look like.

(supported by Key Findings 7, 26)

### Ongoing Scrutiny Engagement/Monitoring

R3. The Cabinet is recommended to establish monitoring arrangements via the provision of the Annual Monitoring Report to the Policy Review and Performance Scrutiny Committee, prior to their publication on the 31 October each year. Should the flexibility sites be brought into use this should also be subject to pre-decision scrutiny by the Policy Review and Performance Scrutiny Committee.

(supported by Key Finding 5)

R4. Where recommendations of the Preferred Strategy and Masterplanning phases of the Local Development Plan Scrutiny inquiry have not yet been implemented, the Cabinet is urged to do so at the earliest opportunity.

(supported by Key Finding 50)

R5. The Cabinet is recommended to draw up an action plan to meet all accepted recommendations from this report and report progress back to the Policy Review and Performance Scrutiny Committee.

(supported by Key Finding 50)

### **Infrastructure**

R6. The Cabinet should confirm its ongoing commitment to work with partners to ensure the appropriate phasing of delivery of community facilities and infrastructure to create sustainable communities.

(supported by Key Finding 16)

R7. The Council is recommended to actively pursue a Public Sector Asset Management Strategy via the Cardiff Partnership Board.

(supported by Key Findings 16-20)

R8. The Cabinet is recommended to urgently improve the transport proposals by pursuing transportation discussions with Welsh Government and other partners with regards to a regional transport solution to, and beyond, North West and North East strategic sites and other cross-city routes.

(supported by Key Findings 22-25, 28-30)

R9. The Cabinet is recommended to ensure that strong and early communication takes place with those residents who may be affected by future transport infrastructure projects and to ensure that suitable compensation is available to those affected by planning blight due to these projects.

(supported by Key Finding 26)

R10. The Cabinet is recommended to ensure ongoing dialogue with sustainable transport providers to ensure that citizens have sustainable transport options for special events and sporting occasions across the whole week, and not just for commuter journeys..

(supported by Key Finding 27)

R11. The Cabinet is recommended to ensure that site specific masterplans take into account integrated facilities which make sustainable transport solutions more viable: cycle storage, safe walking routes to and from transport hubs etc.

(supported by Key Finding 29)

R12. The Cabinet is recommended to ensure full Member engagement in the development of the necessary policies and Supplementary Planning Guidance to support the delivery of the LDP.

(supported by Key Finding 4)

### **Gypsy and Traveller Provision**

R13. With regards to Gypsy and Traveller provision the Cabinet is recommended to urgently pursue regional working and other site options in order to establish potential provision to meet identified Gypsy and Traveller needs. Sites within Cardiff along the M4 corridor to meet the need for transit pitches should also be pursued. Progress should be reported back to the Community and Adult Services Scrutiny Committee at the appropriate point.

(supported by Key Findings 44-49)

R14. The Cabinet is recommended to urgently confirm the nature of the flood risk at the proposed Gypsy Traveller site at Seawall Road, Splott ward. This issue should be reported back to the Community and Adult Services Scrutiny Committee.

(supported by Key Finding 44-49)

### **Affordable Housing provision**

R15. The Cabinet is recommended to ensure that Scrutiny members are kept informed regarding the sustainability of alternative investment models for affordable housing.

(supported by Key Finding 35)

R16. The Cabinet is recommended to task officers with ensuring that site-specific masterplans set out specific details of where and how affordable housing should be placed in order to ensure mixed provision across the strategic sites, and to ensure that affordable housing has good access to community facilities. It is



recommended that officers continue their close dialogue with developers in order to ensure this.

(supported by Key Finding 36-37)

R17. Site specific masterplans should ensure that affordable housing is within a short distance of public transport nodes, with good walking and cycling routes throughout the site.

(supported by Key Finding 36-37)

**Recommendation to Policy Review and Performance Scrutiny Committee**

R18. The Policy Review and Performance Scrutiny Committee is recommended to reconvene the Local Development Plan cross-committee Inquiry group to consider the implications of the Community Infrastructure Levy and changes to Section 106 funding in depth. As this was not originally intended as part of the LDP Scrutiny Inquiry, membership should be opened back out to members of all Scrutiny committees.

(supported by Key Finding 16-18)

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## CONTEXT

1. The Welsh Government (WG)<sup>8</sup> requires all councils to have a Local Development Plan (LDP). The document is the Council's key land use planning document, which sets out policies and proposals for future development and use of land in Cardiff between 2006 - 2026, in line with legislative requirements. Once adopted, the LDP will replace the existing structure and local plans for the city and will form the basis for decisions on individual planning applications.
2. The LDP is a statutory requirement which identifies opportunities for investment and regeneration including the provision of new homes, jobs, community facilities and transport infrastructure. The Plan also identifies land that requires protection for its conservation importance and measures necessary for safeguarding our environment. It needs to balance sustainable development and conservation, whilst delivering the community's vision for the future of Cardiff.
3. Cardiff's previous Local Development Plan was withdrawn from the process in March 2010 following the expression of concern by the Inspector over a number of issues. These issues included the Plan's sole reliance on brownfield sites, the lack of provision for a range and choice of dwelling types; the low likelihood that the 40% affordable housing target set out in the Plan would be achieved and the lack of provision for Gypsy and Traveller accommodation. Given the vulnerable position in which this left Cardiff in terms of handling applications for new development, the Council started work on a revised Local Development Plan immediately.
4. In December 2011, the Council agreed a revised LDP Delivery Agreement with Welsh Government. Delivery Agreements set out the Community Involvement Scheme which demonstrates how the Council will involve consultation bodies and the public in the preparation of the Plan, as well as the timetable for preparing and adopting the LDP, and for preparing and publishing the sustainability report, the Annual Monitoring Report and supplementary planning guidance.

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<sup>8</sup> The Planning & Compulsory Order Act 2004

5. A joint Inquiry Group comprising of Members of all each of Cardiff Council's five Scrutiny Committees was originally formed as a standing task and finish inquiry of the Policy and Performance Review Scrutiny Committee in summer 2012 and now has a long-standing engagement with the development of the Local Development Plan. The Group first considered the Draft LDP Preferred Strategy prior to its submission to the Cabinet and Full Council for approval to go out to public consultation in autumn 2012. The Group then reconvened in March 2013 to consider the Council's Masterplanning Principles, which were approved by the Cabinet in May 2013. These were put in place in order to confirm the city's direction of travel and to provide a basis upon which to continue discussions with developers.
6. This Scrutiny Inquiry final report will be considered by the Policy Review and Performance Scrutiny Committee at its meeting on 29 October 2013 and submitted to the Cabinet for consideration at its 7 November 2013 meeting, during the period of public consultation.

## KEY EVIDENCE

7. The Inquiry Group had originally intended to undertake its scrutiny of the Draft Deposit Local Development Plan in summer 2013 in order to report to the 3 September 2013 meeting of the Policy Review and Performance Scrutiny Committee, before presenting its final report to the Cabinet meeting on 12 September 2013. This would have enabled the Group to comment on a draft Plan prior to its approval by the Cabinet and Council for release for formal consultation.
8. In line with his earlier decision to take the unprecedented step to release a working draft of the Preferred Strategy to enable the Inquiry's early scrutiny, Councillor Ralph Cook (then Cabinet Member for Strategic Planning, Highways, Traffic & Transportation) released an early working draft of the Deposit Plan into the public domain in late June 2013. This was aimed to further facilitate the Inquiry's work and encourage open dialogue around the Local Development Plan.
9. The Inquiry met on 23 July 2013. Following the Council's Annual General Meeting, the membership of the five Scrutiny Committees and therefore of the Inquiry group had altered. Councillors Mitchell (Environmental Scrutiny Committee) and Howells (Policy Review and Performance Scrutiny Committee - PRAP) were now joint chairs.
10. The Inquiry group discussed the contents of the Working Draft Local Deposit Plan. Although its early release was welcomed, there were felt to be some clear gaps in the information contained within the Deposit Plan and in the background and supporting papers. This particularly concerned Affordable Housing targets, Gypsy and Traveller provision, transport detail and the Strategic Sites' Masterplans. These issues had had direct relevance to the withdrawal of the previous Local Development Plan. In order to have the opportunity to consider the full and final draft of the Deposit Plan, the Inquiry group decided to carry out the substance of its investigation during the public consultation period, following the publication of the Deposit LDP and full supporting information with Cabinet and Council papers.

11. It was confirmed that the full set of background papers for the Deposit LDP would be available when Cabinet papers were published. Given the discussions which had taken place during the Preferred Strategy stage of the LDP scrutiny inquiry, Members agreed to focus their attention largely on the coherence and effectiveness tests during their autumn meetings, namely: is the Plan realistic, deliverable, flexible and based on a sound evidence base? In particular this would focus on:

- Growth forecasts
- Economic growth/City Regions
- Affordable Housing
- Gypsy and Traveller provision
- Transport/infrastructure
- The proposed Green Belt
- Monitoring arrangements.

12. When the Inquiry Group first met in July 2013, it was about to be confirmed that Councillor Ralph Cook would be taking on a new Cabinet portfolio. Councillor Cook emphasised that he hoped the open approach which he had encouraged in the LDP process would continue.

### **Previous Inquiry stages**

13. Members queried what progress had been made in responding to the recommendations made in the previous stages of the Scrutiny Inquiry, regarding the Draft Preferred Strategy and the Draft Masterplanning Principles, all of which had been accepted. An update on these is attached at Appendix A.

### **Local Development Plan Process**

14. As the Group reconvened in September 2013, the LDP had been approved by Cabinet and Full Council to go out to public consultation for six weeks on 15 October 2013. A number of stakeholder and drop-in sessions would be held and these would be publicised in a variety of media, including the Capital Times, the Council's website and social media. Member sessions were also being arranged.

15. The development of the Plan is within the timetable set out within the Delivery Agreement agreed with Welsh Government, despite the tight timescale for delivery. Following this and the later Alternative Sites Consultation in early 2014, a further report will be presented to Council in May 2014, followed by a final consultation on 'focused' changes over summer 2014.
16. During its initial meeting in July 2013, Members had queried the public consultation which would be carried out for the Deposit Plan as there was a feeling that while the consultation for the Preferred Strategy had been effective, the consultation for the Masterplanning Principles had been less so. The Operational Manager for Planning Policy reminded the Group that the development of Masterplanning principles had been an additional step to what had been set out in the Delivery Agreement, so the consultation had also been supplementary. Being outside the Delivery Agreement process, it could have been carried out on a purely internal basis, but the wish had been to ensure strong community involvement.
17. Members noted when going through the Plan documentation as published with Full Council papers, that it was difficult to navigate, lacking obvious page and section headers.
18. Members also questioned when and how Supplementary Planning Guidance and new planning polices would be developed. Work is ongoing with the Council's Development Control team to put this in place. It will also be subject to consultation to which Elected Members will be able to respond. Members were concerned that they would not have a deeper role than that of consultees.

## **Monitoring**

19. The Council will be required to publish an annual LDP monitoring report each 31<sup>st</sup> October after the Plan is published throughout the Plan period. There is also a formal four-year review period. The Deposit LDP states that this monitoring is aimed at checking:

- Which policies are being implemented successfully – i.e. their effectiveness in determining planning applications and in withstanding appeals.
- Whether policies are having their intended output.
- If policies are not working well, what actions are needed to address them?
- What changes to the evidence base has occurred or needs to take place?
- What gaps can be identified that should be addressed by the LDP?
- If an amendment of policies or complete review of the LDP is required.

20. In order to strike the right balance between collection useful information while avoiding an over-burdensome monitoring regime, the Plan heavily relies on indicators which are already collected, while noting that indicators and targets will continue to be developed through the plan period. Indicators are SMART wherever possible.

### **Regional context**

21. When the Group met in July 2013, Members queried the regional context. The Minister has been clear that all local authorities need to have an LDP in place. If a regional framework is to be developed, then the LDPs must be in place first.

22. A Member questioned how far other local authorities had progressed in producing their Local Development Plans. Officers informed the Group that Newport City Council has re-consulted on their Deposit Plan; the Vale of Glamorgan Council will put theirs on deposit this autumn, having reviewed their Plan following the local government elections. The latter has had some difficulty in balancing development sites between Barry and smaller locations. There are also some infrastructure issues around Penarth and Cogan.

23. Members asked what adjustments may need to be made to Cardiff's LDP should changes occur in the regional context. The Operational Manager for Planning Policy informed the group that Caerphilly Council was at the stage of undertaking annual monitoring of its LDP and is finding re-alignments necessary. The process has been set up to permit for adjustments as necessary. The Council is aiming for

collaborative work programming as far as possible before the Plan is in place. This is particularly important where transport is concerned. In July 2013, the then Cabinet Members stated that it was necessary to be aware of Cardiff's role in a regional powerhouse and understand the impact plans would have on neighbouring authorities, but he reiterated that all LDPs need to be in place before any regional framework will be developed.

24. The Operational Manager for Planning Policy stated that there is a difficulty with consistency of approach. LDPs which were put in place early have not delivered the anticipated levels of growth, or even the five-year supply of land for housing, required under planning policy.

### **Changes since the Preferred Strategy**

25. The Operational Manager for Planning Policy set out the main changes which had been made between the development of the Preferred Strategy and the Deposit LDP:

- The inclusion of a Green Belt to the north of the M4;
- Reduction in the overall level of housing growth from 45,400 in the Preferred Strategy to 41,100 dwellings in the Deposit LDP;
- The inclusion of a 'flexibility allowance' of 10% over a number of sites to accommodate higher build rates if necessary;
- Reduction in the overall number of dwellings proposed on some of the strategic sites;
- Additional detail on the masterplanning framework and transportation infrastructure;
- The inclusion of the Eastern Bay Link following Welsh Government support for the scheme;
- The setting of the affordable housing target at 30% for Greenfield sites and 20% for brownfield sites;
- Gypsy and Traveller provision at Seawall Road (Splott ward);
- Allocation of land for health-related use adjacent to Heath Hospital and employment use at Maindy Road (Cathays ward).



## Growth Forecasts

26. A key determiner of provision under the Local Development Plan is the anticipated levels of population and household growth. The Draft LDP Preferred Strategy considered three potential growth levels. A 'no growth' scenario had not been considered, given the need for the Plan to have a credible evidence base under the tests of soundness. Migration, birth rates and longer life expectancies make a no-growth option unsound. As set out during the Preferred Strategy phase of the Inquiry, the Welsh Government's 2008 household projections assume 4,000 births, 3,000 deaths, the loss of 300 people due to UK migration and a gain of 2,700 due to overseas migration annually. They assume a net inward migration to Cardiff of 2,400 people per annum between 2006 and 2026, compared to past rates of 600 people per annum.

- **Option A** – Fulfilling the Welsh Government's 2008-based population and household projections, under which the Plan would need to provide for **54,400 new homes and 55,000 new jobs**
- **Option B** – Based on the Welsh Government's 2008-based populations but amended following the consideration of local data, under which the Plan would provide for **45,400 new homes and 40,000 new jobs**
- **Option C** – Based on long-term past net migration rates and housing completions, under which the Plan would need to provide for **36,500 new homes and 26,000 new jobs.**

27. These strategic growth options were prepared in spring 2011 and Dr Peter Boden of Edge Analytics was also commissioned to provide independent demographic expertise and advice in scrutinising growth projections to inform the provision to be contained within the LDP. He used an alternative methodology for estimating international migration to recalibrate mid-year population estimates for Cardiff. This resulted in a significant reduction in its trend-led growth projection.

28. The Preferred Strategy had favoured the 'Option B' mid-way growth level, departing from the Welsh Government's 2008-based projection. Members of that stage of the

Scrutiny Inquiry had been split in terms of support for Option B; the majority found that the evidence provided by Edge Analytics verified provision at that growth level, although some Members had strong reservations about the achievability of the required levels of house-building.

29. The growth forecasts had been put out to public consultation in May and June 2011.

The Operational Manager for Planning Policy informed the group that the results of the public consultation had been mixed on the chosen Option B level. In general responses, 89.3% of respondents had felt that this was too high. Responses from the Citizens Panel were more evenly split, with 48.2% feeling that the level was about right, while 47.2% felt that it was too high.

30. New indicative mid-year estimates 2006-07 received from the Office for National Statistics in late 2011 had supported a lower level of growth rate than the Welsh Government projections, while the 2011 Census results for Cardiff issued in July 2012 had also supported a level of household growth which was more consistent with the Option B level.

31. Given the public reaction to the growth forecasts and the vital part they play in the evidence base for the Deposit Plan, the Operational Manager for Planning Policy informed the group that a further report regarding growth forecasts had been commissioned from Edge Analytics. The results of this had revised down the growth trends.

32. Edge Analytics' new study was based on additional evidence, including the detailed demographic statistics from the 2011 Census, and updated mid-year estimates for 2002-2011. A slightly lower version of the 'Option B' growth is suggested by the report, at 42,500 to 43,000 dwelling growth over the whole Plan period. This is based on the analysis which had revealed a population change of 35,400 between the 2001 and 2011 Censuses. The report also recommended that the Council should consider reducing the dwelling growth figure even further to take into account the potential impact of applying a slightly lower home vacancy rate for 2026. He also

tested a number of dwelling completion scenarios and several different migration scenarios in order to provide updated growth estimates.<sup>9</sup> As a result the Deposit Plan applies a dwelling growth level of 41,100 (and a population increase of 71,612 or 22.1%) over the Plan period. Anticipated annual average completion of dwellings for the remainder of the plan period is 2,295. This compares to 560 dwellings completed in 2011/12 and 474 dwellings in 2012/13. At the height of the boom – in 2006/07 – the completion rate was 2,368 dwellings (which were predominantly apartments or flats).

33. Members queried whether the Inspectorate would take this information into account when judging the soundness of provision included in the Plan. The Operational Manager for Planning Policy informed the Group that the Inspectorate would take all relevant evidence into account when examining the Deposit LDP.

### **Housing Growth**

34. The Deposit LDP sets out provision for new homes on both Greenfield and brownfield sites in order to meet the projected levels of growth which Cardiff will experience over the Plan period. Around 60% of new dwellings will be built on brownfield sites.

35. The Inquiry was informed that of the overall identified requirement for 41,100 dwellings:

- 12,321 have already been built in the early years of the Plan period, or are under construction;
- 9,267 have planning consent or s106 agreements in place (it is anticipated that the actual yield will be 20% lower than this figure);
- 1,831 will come from changes in housing stock;
- 5,209 will be achieved through windfall sites;
- 548 will come from non-strategic sites; and

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<sup>9</sup> Edge Analytics, June 2013: *Cardiff Population and Household Forecasts Updating the Evidence*

- 13,950 will come from the identified strategic sites (13,450 of these from Greenfield sites).

36. Greenfield strategic sites for have been identified as follows:

- North West Cardiff (5,000 dwellings);
- North of Junction 33 (2,000 dwellings);
- South of Creigiau (650 dwellings);
- North East Cardiff (4,500 dwellings – reduced from 6,000 in the Preferred Strategy); and
- East of Pontprennau Link Road (1,300 dwellings).

37. Members questioned how achievable these build levels were. What if these sites do not result in the required dwelling numbers? The Operational Manager for Planning Policy stated that there is a level of comfort around these figures. Cardiff has had the opportunity to learn from neighbouring authorities' experiences where they are further along in the process and as a result has a relatively strong position. The Cabinet Member reiterated that the five strategic sites are considered achievable. The Operational Manager for Planning Policy reminded the Group that the annual monitoring process would allow for some adjustment to the Plan if necessary.

38. The Inquiry Group queried whether completion rates were changing. They were informed by the Operational Manager for Planning Policy that they had not improved. Persimmon Homes had contacted a number of local authorities to state that planned levels of development are not viable (although they had not contacted the Vale of Glamorgan Council or Cardiff Council in this regard). A planning application has recently been received for St Edeyrn from Persimmon. Concerns around build cost remain at the forefront of developers' minds, in terms of meeting Building Regulations, or site remediation costs for brownfield land for example.

39. Members queried neighbouring authorities' build rates and were informed by the Operational Manager for Planning Policy that these were largely static. Members commented that it was quite difficult to find useful comparators in Wales given the

absence of similar city economies and in England given the different planning regime.

40. Members however requested further details of completion rates in neighbouring authorities, which are set out below:

	2011/12	2012/13
Caerphilly	390	344
Merthyr	94	159
Rhondda Cynon Taf	431	Not yet available
Cardiff	560	474

### **Flexibility of provision**

41. Flexibility of provision is a key requirement under the ten tests of soundness. The Operational Manager for Planning Policy informed the Group that some local planning authorities are devising their LDPs using the anticipated growth assumption plus 10% in order to build in the necessary flexibility.

42. Cardiff is taking a slightly different approach by allocating a certain number of sites as 'pressure valves' to provide an additional 4,000 homes if necessary. These will be released for development should the annual monitoring of the Plan show that there is a need in future. These include:

- Land North of the North West Cardiff Strategic Site
- Land West of the Strategic Site North of Junction 33
- North West Cardiff Strategic Site.

43. Members noted that similarly to the release into the public domain of information regarding potential Gypsy and Traveller sites, discussion around these sites had created a measure of public unease. Communication could have been improved to ensure that communities potentially affected fully understood the context of the flexibility provision.

## Economic Growth

44. Members heard from the Council's Director for Economic Development that a key part of the LDP process is to create an environment to allow jobs growth. The Deposit Plan sets out a growth forecast of 40,000 new jobs in Cardiff over the Plan period; the Council must ensure adequate land is allocated to enable these jobs to be created. The aim is to create a range and choice of job opportunities via different types of employment sites.

45. The key role of the city centre and Cardiff Bay is emphasised, but the LDP has identified strategic employment sites at:

- The Cardiff Central Enterprise Zone
- North of Junction 33 of the M4
- North East Cardiff
- North West Cardiff
- St Mellons
- Maindy Road, and
- Heath Hospital.

46. The Plan also aims to promote clusters of specialist sectors and research and development expertise including the following key sectors:

- ICT
- Energy and environment
- Advanced materials and manufacturing
- Creative industries
- Life sciences, and
- Financial and professional services.

47. There is also a need to protect existing employment sites. Members stressed the need to retain particular land employment uses (i.e. industrial vs retail use) to ensure the desired mix of job opportunities. There was also a concern that land for business use, especially in the city's suburbs, seems to have been too easily transferred into housing use. The Operational Manager for Planning Policy informed the group that a

'red line' had been drawn around a series of employment sites to protect them for that use even if they become vacant in future. Members queried whether that protection could be extended to ensure specific types of employment use; they were reminded that if the Plan became too prescriptive, it would be less likely to meet the tests of soundness.

48. Members queried the level of jobs growth over the plan period to date. They were informed by the Business Manager, Economic Development that employment levels had been largely static since 2006. Most jobs would have to be created during the remainder of the Plan period.

49. A Member queried the whether the 1 millions square foot of grade 'A' office space projected in the Preferred Strategy would be met. The Director for Economic Development informed the Group that Cardiff currently delivers around 150 - 200,000 sq feet of this accommodation a year, so it is achievable across the Plan period. The Council is aiming to encourage business to 'churn' or upgrade their office accommodation; there is a need to find alternative uses for lower grade office accommodation which is less desirable.

50. The Council will be releasing its economic vision in the next few months, following on from the "Rebuilding Momentum" Green Paper. When the Cardiff Civic Society attended the Inquiry at a later meeting to discuss transportation infrastructure, they commented that the LDP seemed disconnected from the Council's economic vision.

## **Infrastructure**

51. Throughout the Local Development Plan Scrutiny Inquiry, the phasing of provision of community infrastructure and developments in order to create strong, sustainable communities has been uppermost in Members' minds.

52. The Inquiry had been very supportive of the Masterplanning Principles which had been developed to provide an indication of the direction of travel in terms of how Cardiff wants its future communities to look. However it was clear to Members that it

is vital to ensure appropriate levels of infrastructure are in place at a sufficiently early point in a development.

53. The Operational Manager for Regeneration informed the Group that the Infrastructure Plan (Background Technical Paper no. 6 to the Deposit LDP) had given consideration to all forms of infrastructure which are considered necessary to ensure a community is truly sustainable. Infrastructure items which have been identified are<sup>10</sup>:

- Transport - cycling and walking; buses / rapid transit; park and ride; rail network; road network;
- Schools - nursery, primary, secondary and sixth form education
- Health - primary and secondary health care;
- Green Infrastructure - parks, green spaces and allotments; destination play areas; sports pitches and games areas;
- Community Buildings – libraries; sports centres and indoor recreation facilities; community hubs and facilities;
- Environmental Management - flood defences and drainage; recycling and waste management;
- Utility Services - water and waste water; gas; electricity; telecommunications.

54. Cardiff Council's Planning team has worked with Council directorates and external partners to assess what providers' statutory duties are; what provision already exists across the city; and what their future provision may look like in order to inform the Infrastructure Plan.

55. In their autumn 2013 meetings, Members were reminded by the Operational Manager for Planning Policy that the Masterplanning Framework had been put in place with the aim to provide a measure of additional protection against unwelcome developments while the city remains in the vulnerable position of being without an LDP. The Framework sets out guidelines for the types of community facilities which

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<sup>10</sup> Background Technical Paper No 6 – Infrastructure, 1.3.1



should be provided on new developments. However, it cannot be assumed that all desired community infrastructure will be in place before homes are occupied.

56. The Plan states that it 'sets out an approach which requires the timely provision of new infrastructure including community facilities, transportation and other services [...] and seeks to ensure that each phase of new development is tied to the provision of necessary infrastructure with each stage of development being able to demonstrate an acceptable level of supporting facilities.'<sup>11</sup>

57. The more detailed Infrastructure Plan which sits behind the Deposit LDP establishes that infrastructure items have been divided into two categories:

- Category 1: Infrastructure to enable growth – Those items which will need to be delivered prior to, or at the commencement of development (e.g. highway / utility infrastructure);
- Category 2: Infrastructure to support growth – Items which need to be phased and implemented alongside new development. This will ensure that the growth in population is served with appropriate facilities over time (e.g. schools and health care).<sup>12</sup>

58. Members queried what exactly would count as Category 1 versus Category 2 infrastructure. They were informed that this would vary depending on the area, but that the Infrastructure Plan set out a broad definition, and detailed masterplanning activity would help to refine area-specific needs. Members were highly concerned that due regard should be paid to the proper phasing of provision of infrastructure.

59. During their July 2013 meeting, Members queried how the appropriate phasing of infrastructure could be ensured on sites involving several developers. The Operational Manager for Planning Policy informed the Group that this could be difficult; applications were already coming in. Some groups of developers have put in 'land equalisation' agreements, effectively agreeing to act as consortia. The situation

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<sup>11</sup> Cardiff Deposit Local Development Plan 2006-2026, 4

<sup>12</sup> Background Technical Paper No 6 – Infrastructure, 1.6.1

at each site will be different, depending on which developers are involved. Negotiation will be key.

60. The Infrastructure Plan sets out highly indicative costings (indicative, given the timescale over which the LDP will be delivered), which demonstrate the funding gap at present. The Plan includes well over £1 billion of infrastructure requirements, although this includes items that it is anticipated will be fully or partially funded by partners (for example the Eastern Bay Link).

61. Members were concerned to understand the sources of funding available for infrastructure requirements. The Infrastructure Background Technical paper sets out a number of potential funding streams, including:

- UK and Welsh Government funding
- European funding
- Council funding
- Statutory undertakers
- Grants
- Workplace Parking Levy
- Developers
- Private sector
- Road user charging
- Voluntary sector.

62. Members were informed that the development of the Masterplanning Framework has clearly demonstrated that there is significant scope for collaboration and shared asset usage in order to reduce infrastructure costs. The Hub model is proving highly successful in terms of co-located services, for example.

63. Currently, the Council negotiates developer contributions and planning obligations on a site by site basis through Section 106 of the Planning Act and, for highway works, Section 278 of the Highways Act. S106 funding must relate directly to the site over which they are negotiated. From April 2014 regulations will change and no

more than five s106 agreements will be able to be pooled together to fund a particular piece of infrastructure. This could have significant implications in Cardiff.

64. In April 2010 The Community Infrastructure Levy (CIL) Regulations came into effect as a means by which developers make a financial contribution towards the provision of necessary infrastructure. Members were informed that the CIL could only be progressed by local authorities once they have an up to date LDP in place.

65. The level of CIL which will be charged will be set with reference to detailed development viability testing and will be subject to publication and consultation via a Draft Charging Schedule. Evidence will then undergo a formal examination before the CIL can be adopted. The balance of s106 and CIL has yet to be determined, but given the restrictions imposed on s106, it is likely that CIL will be more suited to county-wide, large-scale provision, while s106 funds will be more appropriate for infrastructure needs within development sites and which arise directly from development proposals. It is currently indeterminable how much funding can be achieved from Section 106 and CIL funds across the rest of the Plan period.

66. Members asked the Operational Manager for Regeneration whether any local authorities in Wales were already operating the CIL. Caerphilly and Rhondda Cynon Taf Councils were at the most advanced stage to date, but had not yet commenced their public inquiries.

67. Cardiff's CIL rate is yet to be determined, but averages across the UK for comparable locations, have ranged between £40 and £100 per square metre of new development. CIL is not chargeable on affordable housing, and in some other, more detailed, cases. In particular, the CIL will only apply to new planning applications after the LDP and CIL are adopted.

68. Members were informed that after April 2014 the Council will need to publish a list of those items which will be funded via CIL. This is at the Council's discretion and it is understood that the list can be amended with relative ease. After that point, s106 can still be negotiated but will not be able to be used for those items identified on the CIL list. There may be a gap of up to a year after this point until the CIL is in place,

leaving the Council in a potentially vulnerable position. Members were also informed that the Department for Communities and Local Government consultation has proposed extending the April 2014 deadline to April 2015. Confirmation of this proposal is not expected until early 2014.

69. Members heard that it is possible to use CIL to make repayments against borrowing to fund infrastructure, although this has obvious risks.

70. The Operational Manager for Regeneration told the Inquiry that assumptions are that the CIL will bring in c £4 – 6 million per annum, if set at a level of between £50 - £80 per sq. metre. Where they exist, Community Councils are eligible to receive 15% of CIL collected within their areas. 5% of CIL receipts can be used to fund its management. It is certain that resources will be needed in order to manage CIL once it is implemented.

71. Members commented on the potential ongoing revenue implications of new community infrastructure and the risk this presented given the economic climate. The Infrastructure Plan makes it clear that it does not identify the revenue costs of staffing, management and maintenance and that they 'will need to be considered alongside the capital cost of providing infrastructure'. The Operational Manager for Regeneration emphasised that this is one of the reasons why the team is looking so carefully at the opportunities presented by co-location with partners.

72. Members were informed that the LDP and Masterplanning Principles favour a 'high street' focused model of development pattern, allowing the creation of hubs within communities with local facilities and good access to well-positioned sustainable transport facilities. The Masterplanning Framework also aims to achieve multi-purpose flexible community and commercial buildings with good accessibility which can evolve through different uses as community needs change. While superstores may still be proposed by developers, the site specific masterplans will not consider these to be appropriate in community hub locations in view of their size and associated parking facilities, which could undermine the free-flow of alternative sustainable travel modes on key routes. The usual policy of out-of-centre retail will

be applied to any such proposals, with a view to protecting existing and proposed local 'high streets'.

## Transportation

73. The Deposit LDP establishes an overall aim to minimise travel demand and provide a range of measures and opportunities which reduce reliance on the car.<sup>13</sup> It further states that new development should be integrated with the provision of new transport infrastructure, putting in place sustainable transport solutions which also provide improved travel choices for the wider community.

74. The LDP further sets out a number of key transportation trends and issues, in the context of which the LDP has been developed:

- Traffic on Cardiff's roads grew by 9% between 2002 - 2012;<sup>14</sup>
- 56% of Cardiff's residents travelled to work by car;<sup>15</sup>
- Nearly 77,900 people commute into Cardiff each day (37% of Cardiff's workforce).<sup>16</sup> The 2001 Census indicates that approximately 80% of commuters travelled to Cardiff by car;
- Travel on rail services has increased considerably: passenger numbers at Cardiff stations having increased by 82% between 2001 and 2011; Cardiff Central and Cardiff Queen Street stations experienced an increase in patronage of 100% and 53%<sup>17</sup>;
- Cycle use increased 10% between 2001 -2011;<sup>18</sup>
- Bus use fell by 7% from 2001 - 2011.<sup>19</sup>

75. When they met in July 2013, Members raised the issue of transport infrastructure, querying the 'rapid transit corridors' mentioned in the working draft Deposit Plan. Consultants have been used to help determine options for the corridors. Transport

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<sup>13</sup> Cardiff Deposit LDP 2006-26, p. 9

<sup>14</sup> Ask Cardiff survey, 2012

<sup>15</sup> Ask Cardiff survey, 2012

<sup>16</sup> Statistics on Commuting in Wales, 2011

<sup>17</sup> Annual Rail Patronage surveys, calculated from 5 year rolling averages

<sup>18</sup> Annual patronage surveys undertaken in Cardiff City Centre, calculated from 5 year rolling averages.

<sup>19</sup> Annual patronage surveys undertaken in Cardiff City Centre, calculated from 5 year rolling averages.

plans cannot just be car-based and the team is working with relevant landowners with regards to provision.

76. Members queried how far it would be possible to protect desire lines, as had been recommended by the Preferred Strategy Inquiry report. The Operational Manager for Planning Policy stated that where it can be demonstrated that a future transport scheme will need to take place on a particular piece of land, the Council would aim to ensure the route was protected. Although the Inquiry's recommendation regarding desire lines had been accepted, legal advice had been that it would be impossible to put a blanket ban on building on, for example, disused railway lines; it would be open to challenge. Focused protection within specific sites should be possible, however.

77. When the Inquiry reconvened in September 2013, the Director for Strategic Planning, Highways & Traffic & Transport acknowledged that the Deposit Plan had attracted a number of comments over transport planning in particular. The Cabinet Member for Strategic Planning and Transport stressed that Members should have confidence that that transport planning to cope with the projected levels of growth is ongoing. His team would be visiting Manchester in the next few days to examine their tram system and to discuss with service users how effective the system is in operation. Cardiff must explore examples of what has worked in other cities in order to understand what could be made to work in Cardiff.

78. The Operational Manager for Transportation set out the central position which transportation issues have in the LDP. The LDP Transport Strategy and Policies have been founded on a detailed evidence base including 2001 Census data (2011 data not yet being available)<sup>20</sup>; local travel behaviour data and local knowledge of where the stresses on the network are; policy assessment of the candidate sites; modelling assessments of the impacts of the projected growth on the transport network capacity and calculation of the modal shift required to mitigate the impact of the growth.

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<sup>20</sup> It is currently understood that this will be available in late 2014.

79. The main goals of the transport strategy and policies set out in the LDP are that:

- At least 50% of all journeys should be undertaken by walking, cycling or public transport by 2026;
- Rapid transit corridors (which may include heavy rail, light rail, tram train and bus rapid transit) will be put in place to serve the strategic sites;
- The existing main bus corridors will be improved and the local bus network extended;
- New developments will be accessible by walking and cycling and well-integrated with existing communities;
- Supporting measures will be put in place to manage demand and encourage sustainable travel.

The detail behind some of these transportation measures are still under development.

80. 2001 Census data showed that across Cardiff 56% of people travel to work by car and 44% by sustainable methods. There is considerable variance across the city, however. In some wards, such as Plasnewydd, there is already virtually a 50:50 split between sustainable and non-sustainable transport modes. In other wards car use is far higher: 78% of people in Llanishen travel to work by car. Methods of commuting into Cardiff from outside the city are also a major issue to be contended with. Members questioned levels of sustainable transport use; while Plasnewydd has almost attained a 50:50 split, this could be considered disappointing given its proximity to the city centre. The Operational Manager for Transportation informed the Group that this figure is based on 2001 Census data and it was anticipated that the levels would be shown to have increased once 2011 Census data is released.

81. Members were concerned that transport planning should not solely focus on home-to-work journeys but should also take into account transport planning for special events and sporting occasions being held in the city. Sustainable transport choices should equally be available for special events and sporting occasions, seven days a week.

82. A key issue for the LDP is to deal with the impact of new communities being developed, but also to deal with that impact on existing communities. The Operational Manager for Planning Policy informed the Group that the LDP was seen as an opportunity to improve issues across Cardiff, such as the infrequency of bus services to outlying parts of the city. It is aimed to create transport hub points, at sites to be confirmed, to stop people having to come into the centre of the city to reach another part of Cardiff.

83. The aim will be to provide travel choices to ensure a modal shift towards sustainable forms of transport. The Masterplanning Framework will need to ensure that the necessary infrastructure and access to sustainable travel is in place from the start. The hope is to avoid similar problems as those experienced in Pontprennau, where sustainable transport was not built into the design. The LDP presents opportunities to correct issues with existing communities where sustainable transport options are not readily available.

84. Members emphasised the need to put in place supporting infrastructure to ensure that sustainable transport choices are attractive and viable: sufficient and secure cycle storage at transport hubs, for example; safe walking routes to stations. The Operational Manager for Transportation stated that this would be dealt with through the Masterplanning Framework. The Transport Planner informed the Group that sites would be designed with integrated cycle routes in mind.

85. Members stressed the importance of ongoing dialogue with communities which may be affected by future major transport projects. In some areas the possibility of compulsory purchase orders being used in order to protect desire lines was already affecting Cardiff citizens.

86. The Operational Manager for Transportation informed Members that the necessary provision would require a significant level of funding. As with other infrastructure this could come from sources such as CIL, s106 and Welsh Government grants, and would have to be balanced against those other infrastructure needs.



87. Having heard from the Operational Manager for Transportation that efforts are ongoing with developers in the North West of the city to protect desire lines, Members queried whether any similar discussions were ongoing with regards to other areas of the city. The group was informed that although the Plan concerned the city's boundaries, in order to address cross boundary issues, work is ongoing with both the Vale of Glamorgan and Rhondda Cynon Taf councils to improve connections with Cardiff.
88. Members were reminded of the pressures which Cardiff is facing without having an LDP in place. It is considered vital to deliver a step change in transport across the city while at the same time dealing with the challenges which new developments will bring.
89. Members questioned the constraints in terms of developing existing roads to become rapid bus corridors. Some routes are already as wide as the locality permits, so adding bus lanes would be impossible. They were informed that the Transportation team are considering pinch points on the network, bus priority lanes at junctions and similar solutions to speed up bus transit. A site for the central bus station has yet to be determined.
90. The Eastern Bay Link had been included in the Deposit LDP following the announcement of Welsh Government support. Members questioned the timescales for it to be put in place. They were informed that timescales were very much to be confirmed, but that the team was doing all it could to aid the process.
91. Members heard from representatives of the Cardiff Civic Society which has a substantial history of inputting into the development of the LDP. The Civic Society would also be providing a formal response to the Deposit Plan consultation and were planning a public debate on some of the issues raised in the following week.
92. The Civic Society emphasised the importance of the LDP in determining how the city will look for generations to come. They welcomed the seriousness with which Members are considering it. They also emphasised that the former Cabinet Member

should be congratulated for his open approach to the development of the LDP and the efforts to involve the public.

93. Overall, the Society was positive towards many of the elements contained within the Plan. The Green Belt was welcome, although they had concerns that it may be difficult to achieve; they would be arguing for it with the Inspector. The Masterplanning Framework was also appreciated, as was the aim to create sustainable communities with appropriate facilities in place. They were, however, concerned that cross-boundary negotiation had been insufficient and that the LDP did not fully address the issue of student accommodation.

94. There was also concern that while the LDP was necessarily a very technical document, not enough effort had been put in to communicating the vision which drives it. What is the vision for how Cardiff will look in the future? What will sell Cardiff to investors and residents? At the moment Cardiff's reputation is built on its desirable communities and neighbourhoods and its culture. However this is a fragile basis: extreme congestion in future could threaten that reputation.

95. In their response to the Inquiry Group, the Civic Society chose to focus on two areas of key concern: the growth to the North West of the city, and transportation issues.

96. Members were reminded that the majority of Cardiff's existing development boundary is quite fixed; the M4 and Newport represent quite hard boundaries to future development. The North West of the city was therefore likely to see the majority of future expansion. The Civic Society emphasised that in development terms the area should be treated as one major site, rather than as a series of smaller developments. This would have a better hope of ensuring that the community infrastructure put in place is sustainable. There is currently a risk that development will be undertaken piecemeal, putting pressure on the existing network, before more long-term solutions are in place.

97. Proposals for development sites in the North West are already setting the Council in opposition to residents and communications should be handled carefully.

98. Transport links from the North West to the city centre are already at capacity, particularly along Cardiff Road and Cathedral Road. The Civic Society was concerned about the timescales for producing the LDP. Mark Barry is currently undertaking work for the Welsh Government in developing proposals for a metro system. There was a perception among Civic Society witnesses that this work, as well as development of the Eastern Bay Link road and the M4 relief road, appears to be disconnected from what Cardiff is doing in developing its LDP. It would seem in their opinion that the Council seems to be required to proceed according to timescales which are impossible given the information available.

99. The Civic Society noted that the disused rail line across the North West site as the most obvious solution to network pressure from the area, but emphasised the high cost implications. It would necessitate a city-region solution, and the Civic Society urged further dialogue with neighbouring authorities in this regard. A small number of houses have also been built across the line. However, the Civic Society felt that there must be additional transport solutions and that rapid bus service could not be the only option.

100. Members asked the Operational Manager for Transportation about the North West transport corridor. One of the recommendations of the Preferred Strategy stage of the Inquiry had been to consider the Creigiau to Fairwater line for future funding bids for rail development. He was unable to confirm exactly what transport provision would be put in place (i.e. rail, tram train or guided bus), but informed the Group that the Council is working with three developers in the North West area to secure the relevant routes. Members queried implementation timescales and were informed that if a rail option is pursued it may be possible to have it in place by 2022.

101. Members questioned Professor Stuart Cole of the University of South Wales about the North West transport corridor and what transportation options are available. He informed the group that most kinds of transport would be applicable: heavy rail, tram and tram trains. The latter has the advantage of being able to run along rail tracks and on the street. They have a higher capacity than buses, although lower than trains. Members enquired how long it would take to re-open the disused railway to Creigiau. Professor Cole said that a rough estimate would be at best

2018, or possibly as late as 2024 - 25. Members were concerned that such a scheme would not be in place before dwellings were built in the area, placing more strain on the road network. Professor Cole was concerned that much of the transportation detail was still to be determined.

102. In the North East largely bus-based provision is under consideration. It is hoped to improve transport corridors – by bus priority lanes, for example - and to extend and improve bus routes via the new sites into Pontprennau. Express routes into the city centre are being explored. It is anticipated that if a modal shift can be achieved in outlying, new areas, then network pressure closer to the city centre should be relieved. If each worker chose a sustainable mode of transport one day a week it could reduce pressure by up to 20%. Further detail of transport provision is under development.

103. Members asked the Civic Society whether a bus-based solution seemed viable. They were informed that this was appropriate in the short-term given the number of houses proposed to be built. In the long-term, a metro solution would have to be sought. They stated that a more radical solution was needed to take cars off the road and that a solely bus-based solution was not credible; a rail based solution is feasible in their opinion and should not be put off as too difficult. Funding could not be the only factor taken into consideration; it was emphasised that it is key to protect desire lines for transport to ensure this can work in future. Professor Cole stated that the best way to serve the site would be via Llanishen or Lisvane railway stations, although it would be a struggle to encourage sustainable travel to the stations, which have very limited park and ride provision at present. At Cardiff Gate/Pontprennau a bus lane would seem the most viable option into the city centre. He felt that the existing transport infrastructure to the North East site was insufficient to serve new dwellings on these strategic sites.

104. Members heard from Professor Cole about a number of transport projects which are currently ongoing in and around Cardiff and which are having a significant impact on how people are moving around the city. Electrification of the rail network is being delivered and should be complete by 2019. Most stations in Cardiff will then have the capacity to handle trains up to six carriages long.

105. Members were concerned that the transport plan was heavily reliant on bus provision. It may be difficult to ensure bus provision continues; services could be withdrawn in future despite investment in routes. Professor Cole reminded them that in comparison to rail, bus services are relatively unregulated. It is comparatively easy to withdraw a bus service. If infrastructure is put in place, there is no guarantee that it will continue to be used. A Member queried what dialogue was ongoing with Cardiff Bus, which had recently reviewed its services. The Operational Manager for Planning Policy replied that there was a long-standing dialogue with Cardiff Bus and a recognition that further adjustments will be needed to timetable to achieve the required modal shift.
106. Professor Cole informed the group that car usage has generally plateaued since 2006; the cost of motoring and lack of jobs has decreased usage, particularly in younger men who are the biggest driving group. Journey times in Cardiff are also becoming unacceptable by car. On the other hand train travel has increased steadily.
107. Related to this area, the Environmental Scrutiny Committee has previously encouraged Universities to work with students to become less-reliant on cars and incentivise sustainable transport use via a 'student card'..
108. The Civic Society emphasised that the Masterplanning Framework should have teeth; developers must meet the requirements of the city in new developments. Phasing is key, and Members should task officers with finding a way in which phasing of infrastructure delivery can be enforced. Officers may be concerned with the costs of handling appeals and this may limit their actions. Members noted this concern, but were conscious of the need for circumspection in this regard. It was felt that the development of Supplementary Planning Guidance is vital to ensure delivery of the LDP's vision for Cardiff. The Operational Manager for Planning Policy stated that developers were starting to get Cardiff's message that public transport solutions could not simply be ignored.

## **Affordable Housing**

109. Cardiff has established a significant need for social housing; there are 9,710 people currently on the combined housing waiting list. The Local Housing Market Assessment (2013) indicates a need for over 3,989 affordable dwellings for each of the next five years to address this need. The LDP states that 'affordable housing encompasses both social rented and intermediate housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers'.<sup>21</sup>
110. Members queried potential targets for affordable housing at their July 2013 meeting as these had not yet been made available. The Council's current target was 40% on developments of more than ten dwellings. The then Cabinet Member informed them that Welsh Government had indicated that a 40% target was likely to be unachievable, although this was currently the Administration's aim. Local authorities have struggled to justify higher targets to Welsh Government, which has stated that very robust evidence is needed. The Council would need to be mindful of the Inspector's potential response if the target remained at 40%.
111. The Planning team was at that point working with consultants to establish a viable affordable housing target for the final Draft Deposit Plan. It was made clear that a balance must be established between need and achievability. While Welsh Government has made it clear that Cardiff is vital in the delivery of affordable housing across Wales, the Inspectorate must be convinced by the evidence that any targets are viable. In addition, the Group was reminded that affordable housing provision must be balanced with other community infrastructure needs in terms of use of available funding.
112. When the Inquiry reconvened in September 2013, the Deposit Local Development Plan had confirmed the affordable housing target at 30% on Greenfield sites and 20% on brownfield sites. The completion target is set at 6,953 over the remainder of the Plan period or 535 units of affordable housing a year. This takes into account the current land bank of affordable housing. Members heard that there

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<sup>21</sup> Cardiff Deposit Local Development Plan, 5.9

are a number of sites in the landbank which are not being developed, where discussions are still ongoing with developers to provide affordable housing.

113. The Operational Manager for Planning Policy reiterated that the evidence base for the LDP must be sound in order to pass inspection. A balance also had to be struck in terms of the investment developers were willing to put into a site. In operation, evidence has shown that 20% is a realistic target for completion of affordable housing. In other local authority areas, developers' chartered surveyors have pushed for targets of closer to 10%. Peter Brett has carried out a detailed study which supports the targets set out in the Deposit Plan. Members noted that while they would have preferred a higher target, they agreed that there was need to take into account what was feasible and supported by available evidence.
114. Members noted that their experience of planning applications and decisions was that affordable housing was often treated differently by developers. They were clear in their opinion that Cardiff must avoid the creation of 'micro ghettos' of affordable housing within new developments. The Cabinet Member stated that it is not always possible; developers will always aim to put this housing on the cheapest part of the site in development terms. The Director for Communities, Housing and Customer Service stated that there is a need to be clear in terms of the requirements we place on developers through s106 agreements. It has become increasingly difficult to ensure affordable housing in 'higher end' developments, though there are relatively successful examples of provision being spread throughout a site, such as Aquilla in Cardiff Bay. The key is to be strict in the requirements set out, possibly through Supplementary Planning Guidance.
115. Members also emphasised that joined-up thinking is necessary in terms of location of affordable housing within a site. It should have very easy access to public transport nodes, for example.

116. The Deposit LDP sets out that affordable housing will aim to be achieved on sites apart from in exceptional circumstances.<sup>22</sup> Members questioned whether the target was blanket across all development or whether it was negotiable. While the Plan sets out that there will be negotiation with developers with regards to the exact affordable housing target for each site, it does not set out how affordable housing provision should be laid out within sites. The Operational Manager for Planning Policy informed Members that the Housing Partnership Programme is building up momentum in delivery mechanisms for affordable housing. The Council is aiming to ensure better integration of affordable housing with other provision. Through the consultation phase, the Council will be looking at this in more detail for specific sites. Flexibility remains essential throughout the life of the Plan. Site conditions and land purchase prices will determine what is affordable in terms of all infrastructure provision.
117. One Member noted that a recent large development in his ward had delivered no units of affordable housing. The Operational Manager for Planning Policy noted that developers aim to make a certain level of profit; if the constraints on a site are too high then they will not start the build. A corporate discussion is needed about the weight given to different types of infrastructure and how each site's provision will be planned in detail.
118. The Director for Communities, Housing and Customer Service informed the Inquiry Group that maximising the amount of affordable housing provision is a central issue for the LDP, given the level of needs which has been demonstrated in the city.
119. Cardiff has previously been highly reliant on the Social Housing Grant, but this has dropped significantly in the 2013 - 14 financial year. Affordable housing can also be funded via S106 contributions, local authority funds, such as the Housing Revenue Account (as in the case of the Housing Partnership Programme), or private investment secured against registered social landlords' funds.

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<sup>22</sup> Ibid. 5.10



120. These other models of financing affordable housing are being explored in Cardiff. Pension funds are starting to look into affordable housing investment given the relatively stable return over a long-period. Discussions are ongoing with providers and there are significant levels of interest. The opportunities which may be afforded by the Community Infrastructure Levy will also have to be explored, as it has the potential to bring in significant levels of capital.

121. The Director for Communities, Housing and Customer Service reminded that Group that social rented housing is not the only model for affordable housing provision. Intermediate housing, whereby rents are set at a level between that of social housing and market rents, is also an option which Cardiff is increasingly investigating. She emphasised the need to balance a desirable affordable housing target with what developers will think is viable.

122. The Deposit LDP does not include an exact definition of affordable housing (i.e. a level of rent which could be considered 'affordable'), partly because this is still being investigated and also because it would have to be reviewed more regularly than the life of the LDP.

123. Members questioned other models such as shared ownership. It was perceived that this had fallen out of favour in comparison to affordable rented accommodation. The Director for Communities, Housing and Customer Service informed the Group that shared ownership models at a 70:30 split had originally had a considerable waiting list, but the economic downturn had made such schemes less attractive as market values had dropped. There are a very small number of homes with a 50:50 ownership split and there may be some merit in exploring if this could be extended. Low-cost home ownership has always been included in Cardiff definition of home-ownership.

## **Green Belt**

124. Green Belts can:

- prevent the coalescence of large towns and cities with other settlements;

- manage urban form through controlled expansion of urban areas;
- assist in safeguarding the countryside from encroachment;
- protect the setting of the urban area; and
- assist in urban regeneration by encouraging the recycling of derelict land and other urban land.

125. During its consideration of the Draft Preferred Strategy for the Local Development Plan, one of the Inquiry Group's key recommendations had been that the M4 should be maintained as a boundary for development. This recommendation had been accepted by the Cabinet and following this, and public feedback to the Preferred Strategy, a Green Belt was included in the Deposit Plan to the north of the M4. 82% of Citizens Panel respondents had shown their support for a Green Belt in Cardiff, as well as 91.8% of general consultation respondents.

126. When the Group first met to consider the Deposit Plan in July, Members asked the then Cabinet Member about the new proposal contained within the Working Draft Deposit Plan to create a Green Belt to the north of the M4. He stated that it is a significant challenge. The Inspectorate may challenge its inclusion in the Plan. It is possible that this element could be taken out and the Plan be allowed to pass inspection.

127. When the Group met again in September 2013, Members considered the proposed Green Belt designation in more depth. The Operational Manager for Planning Policy informed the group that there are strict controls over the creation of Green Belts. Green Belts provide long-term legal protection for a specific area, and would last beyond the period of this Local Development Plan. Local planning authorities therefore need to ensure a sufficient range of development land is available which is suitably located in relation to the existing urban edge and the proposed Green Belt, in order to ensure that the designation is viable.

128. Consideration had been given to the boundaries of neighbouring authorities in order to ensure that the proposed Green Belt would not create a cross-boundary conflict. Newport Council's current Unitary Development Plan (2006) includes a

Green Belt immediately to the east of Cardiff; this has been carried forward into Newport's Deposit LDP. While this is the only nearby Green Belt designation, other Councils have put measures of protection in place around their boundaries with Cardiff, including a Special Landscape Area and Visually Important Local Landscape (Caerphilly); and Special Landscape Area and Green Wedges (Vale of Glamorgan).

129. It is considered that the proposed Green Belt would cover a very defined area, which is topographically distinct, forming a logical well-defined area which gives a visually important backdrop to the city.
130. Consideration had also been given to further designations of Green Belts or Green Wedges in other parts of the city. Land to the east and west was felt to be already tight in terms of development up to the city's boundaries, which limits the scope to put in place Green designations. As mentioned above, neighbouring authorities already have in place a measure of landscape protection butting up to their boundaries with Cardiff.
131. Members queried whether any thought had been given to designations around the west of the city (for example linking to the St Fagans Conservation Area, or around the M4 nearer to Creigiau). The Operational Manager for Planning Policy informed them that the guidance is that a Green Belt should be well-defined with discernable boundaries. If the Green Belt was spread too far, there is a risk that it may not meet the criteria. In addition, as reiterated throughout the Inquiry process, if the LDP is thought to be too restrictive, it may not pass inspection. Flexibility of future provision remains key to these matters.
132. Members welcomed the designation, while stating that there are arguments that this kind of designation should be put in place as part of a city-region discussion. It was however felt that it was a useful starting point for further discussions with neighbouring authorities. Members questioned the views of neighbouring authorities with regards to the Green Belt. They were informed that it was felt that the Green Belt could be of benefit to surrounding authorities. For example it would create a clear boundary for housing development against the south side of Caerphilly Mountain preventing undue competition to housing development on the north side.

133. Members queried whether the Inspector can amend the Plan in relation to the Green Belt. The Operational Manager informed the Group that the Inspector could amend any part of the Plan if it was felt necessary. However the Council is comfortable that the area meets the criteria set out and that the Plan retains enough flexibility.

### **Gypsy and Traveller Provision**

134. The Council has a duty to identify the need for Gypsy and Traveller sites and to include policies for the provision of appropriate sites in development plans. The lack of this provision was a concern identified with the previous draft LDP prior to its withdrawal.

135. There are currently two Council-managed Gypsy and Traveller residential sites in Cardiff: at Rover Way, Splott, and Shirenewton, Trowbridge providing 80 pitches between them; 59 at Shirenewton and 21 at Rover Way. There are also some smaller, privately run sites, including one adjacent to Shirenewton.

136. At the time the Inquiry Group met in July 2013, three new studies had been undertaken in order to assess Gypsy and Traveller need and potential sites: Opinion Research Services' (ORS) Gypsy and Traveller Accommodation Needs Study (April 2013); Atkins' Site Appraisal Report on the Rover Way Gypsy and Traveller Site; and Peter Brett Associates' Gypsy, Traveller and Travelling Showpeople Sites Study (July 2013). The former gave detailed consideration to current assessed need for pitches while the latter considered a number of potential sites across the city against a number of criteria.

137. The ORS needs assessment was undertaken via structured interviews with representatives of the Council, local housing associations and the Cardiff Gypsy and Traveller Project, as well as with officers from other local authorities in the surrounding area. This phase was intended to establish current thinking in the local authority and to understand how existing provision was working. A second research phase involved interviews with existing Gypsy and Traveller households. ORS

visited all households on Cardiff Council's two sites, undertaking interviews with some 70% of current Gypsy and Traveller tenants.

138. The ORS assessment identified a need for an additional 108 pitches across Cardiff. This included a current identified need for 43 pitches (e.g. from existing unauthorised developments or concealed households); and a future need for a further 65 pitches from the formation of new households.
139. Atkins' study of the condition of the existing Rover Way site revealed significant concerns with its current condition of the site. If the site is replaced within the Plan period, there will be a need for a further 21 pitches.
140. There are currently no transit sites in Cardiff (and few in South East Wales). On the basis that unauthorised encampments occur in Cardiff due to overcrowding and visiting relatives, the ORS assessment also established a need for 10 transit pitches. The ORS study noted that these transit pitches would not necessarily have to be in Cardiff. The M4 was noted as the main transit route. The report noted that this is an area where cross-boundary working could be 'particularly effective'. Members asked whether any local authorities had expressed an intention to provide a transit pitch; there have been no expressions of interest to date.
141. Peter Brett Associates undertook a study of potential sites across Cardiff, addressing three key questions:
- Is the site available?
  - Is the site suitable? e.g. is it in a protected area, what are the characteristics of the site; how accessible is it in terms of transport and community facilities; and what services are on site
  - Is the site achievable?
142. The sites identified for assessment included LDP candidate sites; sites already owned by Gypsies and Travellers; surplus public sector land; and sites owned by housing associations.

143. The assessment produced a long-list of 32 sites of which five were recommended as suitable to deliver additional pitches:
- Ely Bridge Farm
  - Queen Alexandra Head
  - Former Queens Gate car park
  - Land at Brindley Road
  - Former Lansdowne Hospital site.
144. These sites would deliver 92 pitches against the assessed need for 108 (plus 21 should Rover Wales close).
145. When Members met in July 2013, these studies had recently been released into the public domain, as part of the then Cabinet Member's commitment to making the LDP process as open as possible. Members noted concerns with several of the sites. One, for example, was within the proposed Green Belt area, near Thornhill Farm. The consultants' report had ruled it out on landscape grounds, but indicated that landscape objections do not necessarily mean the site is not feasible. Members noted the public concern which the release of the site assessment had caused. They were informed that the Council had yet to determine its response to the study's findings. It was reiterated that Cardiff must find suitable Gypsy and Traveller provision in order to meet the identified need. Solutions must be sought; the Thornhill site could create up to 50 pitches, while Brindley Road could provide another 50, for example.
146. When the Inquiry reconvened in September, Members discussed Gypsy and Traveller provision with the Operational Manager for Planning Policy and the Director for Communities, Housing and Customer Services. At this point the Council having determined its response to the site study.
147. The Deposit Local Development Plan sets forth concerns with the shortlist of sites put forward by the study, including the potential allocation of the sites for other uses under the LDP (for example the site assessed at Brindley Road has alternative economic uses). The Director for Communities, Housing and Customer Service

informed the Group that it was debateable how successful the site assessment had been.

148. The Council had therefore returned to the long-list of sites to re-consider their suitability, including a large area of unused land at Pengam Green, on Seawall Road and opposite the existing site at Rover Way. The site had been discounted by Peter Brett Associates given its high flood risk, but with the advice that:

‘should satisfactory flood mitigation measures be identified as part of a wider scheme to mitigate flood risk in the area it is considered the site could have potential for Gypsy and Traveller use. The Council should keep this site under review.’

149. The Operational Manager for Planning Policy informed the Inquiry that a more detailed consideration of the site had identified that the flood risk at present is within current guidelines, but will present a risk in later years. Given this, the site has now been included in the Deposit LDP, to provide c. 65 pitches. Although this is above current Welsh Government guidance in terms of site size, it would be the aim to manage it in a similar way to the existing Shirenewton site, which is also over Welsh Government guidance levels.

150. The Operational Manager for Planning Policy also stated that it was considered that the close proximity of the site to the existing Rover Way site would provide better integration with the existing Gypsy and Traveller community. The Director for Communities, Housing and Customer Service informed the Group that ongoing dialogue with Rover Way tenants had revealed distinctly mixed views in terms of moving from the site. However, it had been emphasised by current tenants that if there was a need to move off that site, the general preference would be to stay close to the area.

151. Members queried the proposed pitch size for the site and whether it could accommodate more pitches in order to meet the assessed need for Gypsy and Traveller provision. The site is 3.2 hectares. The Operational Manager for Planning Policy stated that the pitch size was partly determined because the whole site was not raised above the current flood risk area. This pitch size would allow some

greenscaping on the site and was based on a similar provision to the current Shirenewton site. Shirenewton is considered to represent best practice in site provision in Wales.

152. Members questioned whether the LDP would pass inspection without having identified sites to fully meet the identified Gypsy and Traveller need. They were informed that the Council was continuing dialogue with Welsh Government regarding the methodology for assessing need, which perpetuates assessed need where provision already exists, i.e. Caerphilly with no existing provision will continue to have no assessed need to provide pitches.

153. Members noted that there had been some public outcry following the release into the public domain of the reports commissioning regarding Gypsy and Traveller provision. Perhaps the process had in this case been too transparent, given that the Council was unlikely to consider many of the sites reviewed by Peter Brett for this purpose. Members felt that future communications would have to be very carefully handled. The Cabinet Member noted that discussions should be held with Members before the release of potentially sensitive information.



## PROCESS FOR SCRUTINY OF THE DEPOSIT LOCAL DEVELOPMENT PLAN

As part of the Policy Review and Performance Scrutiny Committee's ongoing scrutiny of the Local Development Plan, it was agreed:

- I. To reconstitute the task and finish Group which had considered the previous stages of the Local Development Plan process (the Preferred Strategy and Masterplanning General Principles stages), comprising of the Chairpersons of the Council's five Scrutiny Committees, plus volunteers from each Committee.
- II. That the report will be published by the Policy Review and Performance Scrutiny Committee.

The task and finish Group is broadly representative of the Council's overall political composition. It was agreed that, while the joint Charing arrangement of the Inquiry would continue, the Chair of Environmental Scrutiny Committee would chair this stage of the Inquiry, the Chair of the Policy Review and Performance Scrutiny Committee having chaired the previous Masterplanning stage.

The task and finish Group set out to test whether the Cardiff Deposit Local Development Plan against the 'ten tests of soundness' against which the Inspectorate will examine the Plan.

The scrutiny of the Deposit Local Development Plan took place over the course of four meetings from July to October 2013 and received evidence from the following witnesses:

### **Internal Witnesses**

- Councillor Ralph Cook, former Cabinet Member - Strategic Planning, Highways, Traffic & Transportation
- Councillor Graham Hinchey, Cabinet Member - Strategic Planning and Transport

- Andrew Gregory, Director of Strategic Planning, Highways & Traffic & Transport
- James Clemence, Operational Manager, Planning Policy
- Neil Hanratty, Director of Economic Development
- Jonathan Day, Business Development Manager – Economic Development
- Paul Carter, Operational Manager, Transportation
- Jason Dixon, Team Leader - Transport Planning
- Matt Price, Principal Officer - Transport Planner
- Sarah McGill, Director of Communities, Housing and Customer Service
- Gareth Harcombe, Operational Manager, Regeneration.

### **External Witnesses**

- Peter Cox, Cardiff Civic Society
- David Eggleton, Cardiff Civic Society
- Mike Harper, Cardiff Civic Society
- Professor Stuart Cole, University of South Wales.

Details of all evidence considered by the task Group and used in the preparation of this report are contained within a record of evidence that is available for inspection upon request to the Operational Manager (Scrutiny Services), whose contact details are listed on the back page of this report

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## REFERENCES / BACKGROUND PAPERS

- Cardiff Council, 2011: *Cardiff 2006-2026 Local Development Plan Delivery Agreement Amended 5 December 2011*
- Cardiff Council, 2012: *Cardiff Local Development Plan 2006-2026, Preferred Strategy*
- Cardiff Council, 2013: *Draft Masterplanning General Principles*
- Cardiff Council, 2013: *Working Draft Deposit Local Development Plan*
- Cardiff Council, 2013: *Cardiff 2006-26 Deposit Local Development Plan (including supporting documents)*
- Edge Analytics, June 2013: *Cardiff Population and Household Forecasts Updating the Evidence*
- Peter Brett Associates, 2013: *Gypsy, Traveller and Travelling Showpeople Sites Study*
- Opinion Research Services, 2013: *Cardiff Council Gypsy and Traveller Accommodation Needs Study*
- Policy Review and Performance Committee, 2012: *Cardiff Local Development Plan 2006-26 – Draft Preferred Strategy Inquiry Report*
- Policy Review and Performance Committee, 2013: *Cardiff Local Development Plan 2006-26 – Draft Masterplanning General Principles Inquiry Report*

## **LEGAL IMPLICATIONS**

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without modification. Any report with recommendations for decision that goes to Cabinet / Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal power of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## **FINANCIAL IMPLICATIONS**

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

## POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE



Councillor Nigel Howells

(Chairperson)



Councillor Phil Bale



Councillor Garry Hunt



Councillor Sam Knight



Councillor Kathryn Lloyd



Councillor Jim Murphy



Councillor Gretta Marshall



Councillor Adrian Robson



Councillor David Walker

## POLICY REVIEW & PERFORMANCE SCRUTINY COMMITTEE TERMS OF REFERENCE

To scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives, including:

To scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources.

To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures, which may enhance Council performance in this area.

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DRAFT

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