



DINAS A SIR CAERDYDD  
CITY AND COUNTY OF CARDIFF

**COUNCIL SUMMONS**

THURSDAY, 26 MARCH 2020

**GWYS Y CYNGOR**

DYDD IAU, 26 MAWRTH 2020,

You are summoned to attend a meeting of the **COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF** which will be held at on Thursday, 26 March 2020 at 4.30 pm to transact the business set out in the agenda attached.

**Davina Fiore**  
**Director of Governance & Legal Services**

County Hall  
Cardiff  
CF10 4UW

Friday, 20 March 2020

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Promotion of equality and respect for others | Objectivity and propriety | Selflessness and stewardship  
Integrity | Duty to uphold the law | Accountability and openness

*This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg*

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<i>Item</i>		<i>Approx Time</i>	<i>Max Time Allotted</i>
<b>1</b>	<b>Apologies for Absence</b>  <i>To receive apologies for absence.</i>	4.30 pm	
<b>2</b>	<b>Declarations of Interest</b>  <i>To receive declarations of interest (such declarations to be made in accordance with the Members Code of Conduct)</i>		
<b>3</b>	<b>Statement of the Leader</b>	4.30 pm	10 mins
<b>4</b>	<b>Local Development Plan - Full Review</b> <i>(Pages 5 - 90)</i>  <i>Report of the Director of Planning, Transport and Environment</i>	4.40 pm	10 mins
<b>5</b>	<b>Planning Committee - Emergency Delegations</b> <i>(Pages 91 - 96)</i>  <i>Report of the Director of Governance and Legal Services and Monitoring Officer</i>	4.50 pm	10 mins
<b>6</b>	<b>Lord Mayor and Deputy Lord Mayor Elect</b> <i>(Pages 97 - 98)</i>  <i>Report of the Director of Governance and Legal Services and Monitoring Officer</i>	5.00 pm	5 mins

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**CARDIFF COUNCIL  
CYNGOR CAERDYDD****COUNCIL: 26 MARCH 2020**

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**CABINET PROPOSAL**

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**CARDIFF LOCAL DEVELOPMENT PLAN FULL REVIEW****Reason for this Report**

1. To report back to Council the findings of the consultation exercise undertaken on the draft Cardiff Local Development Plan (LDP) Review Report and draft Delivery Agreement and seek Council's approval to submit the final Review Report (Appendix 1) and Delivery Agreement (Appendix 2) to Welsh Government.

**Background**

2. The Cardiff Local Development Plan (LDP) was adopted by the Council on 28th January 2016 and sets out the Council's planning framework for the development and use of land in the city over the period 2006 to 2026.
3. An up-to-date LDP is an essential part of the plan-led planning system in Wales and statutory measures are in place to manage the Plan review process. In this respect, the Council is required under Section 69 of the Planning and Compulsory Purchase Act 2004 to undertake a full review of the adopted LDP at intervals not longer than every 4 years from the date of adoption. As such, this report directly responds to this requirement given the LDP adoption date.
4. The first stage in the review process is the publication of the draft Review Report and draft Delivery Agreement and Members will recall that Council on 28<sup>th</sup> November 2019 approved these draft documents for public consultation purposes.
5. Public consultation on both documents took place between 14<sup>th</sup> January and 11<sup>th</sup> February 2020. A total of 359 consultees were notified and invited to make comments on the draft documents. These consultees included Community Councils, planning consultants, house builders, housing associations and other relevant external organisations. In addition all Members were informed of the consultation and the draft documents were advertised on the Council's website, together with details on how to comment.
6. A total of 11 responses were received during the public consultation period which are summarised in Appendix 3 along with the Council's response.

7. Overall, the majority of responses did not object to the approach and contents of both documents with support received from Natural Resource Wales, Glamorgan Gwent Glamorgan Archaeological Trust and Cadw. St Fagan's Community Council questioned whether a meaningful Replacement LDP can be prepared without a thorough review of the current LDP in terms of progress, issues, and performance against expectations. In response to this the Review Report explains how the LDP strategy and policies have already been reviewed as part of the Full Review process. It should also be noted that the formal Annual Monitoring process (AMR) on the performance of the existing LDP will continue until after the Replacement LDP has been adopted. In addition, a number of responses raised wider issues that will be picked up as part of the Replacement Plan preparation process as the plan progresses.

#### Final Review Report

8. Regulations state that the full review process must be informed by a Review Report (RR) which must determine the revision procedure to be followed- specifically, whether to undertake a full or short form revision. A full revision would require the preparation of a Replacement LDP, whereas a short form revision would involve revising limited parts of the existing LDP. Guidance makes it clear that should a Local Planning Authority decide to employ the short form revision, it must be sure it can fully justify its approach as there are significant risks that this approach may be considered inappropriate and challenged since the issues involved may warrant the full revision procedure.
9. The final RR is contained in Appendix 1. And concludes that the full revision procedure is considered the most appropriate option and that a replacement LDP is prepared for the period 2020-2035. In this respect, it is recognised that the significant scale, complexity and over-lapping nature of issues to be addressed in a Replacement LDP cannot justify the short form revision procedure. This approach will ensure that the Council will have up-to-date Plan coverage beyond 2026 and supports the Plan-led approach in Wales.
10. Importantly, the preparation of a Replacement LDP provides an opportunity to positively respond to a national policy framework which has evolved significantly since the evidence base was collated underpinning the existing LDP. Furthermore, it enables other matters identified in the final RR to be more fully assessed and new evidence gathered to inform the Replacement Plan.
11. The final RR identifies topic areas where new evidence is required to inform the Replacement Plan. It is therefore premature to be articulating potential replacement LDP strategy at this juncture. However, work undertaken to date on the final RR shows that the starting point is completely different to the existing LDP which was faced with high official population projections and a low supply of housing sites. A Replacement LDP would overlap with the current LDP period and coupled with a 'carry over' of existing consents, would result in a far stronger supply of

housing sites. In terms of demand, it is noted that Welsh Government projections issued since those informing the existing LDP have shown reduced anticipated rates of population growth.

12. The existing LDP benefitted from a bespoke regional collaborative exercise to help inform the Plan strategy involving all Local Authorities and other key stakeholders in South East Wales. This process worked well and a similar approach is proposed again to help inform the Replacement LDP. Should work commence on a Strategic Development Plan (SDP) for South East Wales, information gathered through the LDP process can be used to inform the SDP and vice versa. Ongoing dialogue with other Local Authorities will help maximise efficiencies and consistency with regard to gathering/sharing evidence and agreeing methodologies where possible.
13. There has been positive regional dialogue regarding the progression of a SDP for the Cardiff Capital Region. Leaders have agreed in principle to pursue the development of a SDP and the proposed governance arrangements largely based on a population-proportionate voting model for the Strategic Planning Panel were considered an appropriate way forward.
14. However, from Cardiff's perspective, significant uncertainties have been created by the National Development Framework - the proposed apex of the national planning system - with the Council's response to the Welsh Government's draft proposals in 2019 highlighting fundamental concerns about the Framework's lack of evidence base and its confusion regarding Cardiff's future role. This results currently in a fragile basis on which to construct a regional planning system, with the proposed establishment of Corporate Joint Committees (CJCs) adding to the complexity of the picture. In response, Members are advised to defer consideration of an SDP until such a time that these significant issues are clarified.
15. In line with national guidance, consideration must be given to the scope for preparing a Joint LDP. However, it is noted that all of the other Local Authorities in South East Wales (excluding the Vale of Glamorgan who have not yet reached 4 years since adoption) are at various stages of preparing Replacement LDPs. Given this, together with the significantly different local contexts, it is not considered that there are sufficient synergies to warrant the preparation of a Joint LDP and it is noted that no offers have been received suggesting this approach. The proposed regional collaborative working approach referenced in the paragraph above is considered the most effective way of addressing cross-boundary matters.

### **Final Delivery Agreement**

16. In addition to the preparation of a Review Report, a Delivery Agreement will also need to be submitted to Welsh Government demonstrating that plan preparation can be achieved in within 3½ years from the formal commencement of the review process. The final Delivery Agreement consists of a timetable for preparation of the Replacement LDP and a

Community Involvement Scheme. The summary timetable below sets out the key dates including statutory consultation periods, for each of the different stages of Plan preparation and publication. It also includes key stages for the Sustainability Appraisal, which is an iterative process undertaken as an integral part of the Plan preparation process.

<b>Key Stage</b>			
<b>Definitive</b>		<b>From</b>	<b>To</b>
1	Review Report Consultation and submission to Welsh Government	Jan 2020	March 2020
2	Delivery Agreement – Consultation and submission to Welsh Government	Jan 2020	March 2020
3	Evidence Base Preparation	Dec 2019	June 2022
4	Pre-Deposit Participation <ul style="list-style-type: none"> <li>• Candidate Site submission and appraisal</li> <li>• SA Scoping Report</li> <li>• Vision/Objectives/growth levels and spatial options</li> </ul>	March 2020	Sept 2021
5	Preferred Strategy Consultation – six weeks statutory consultation	Oct 2021	Nov 2021
6	Deposit Plan Consultation – six weeks statutory consultation	Oct 2022	Nov 2022
<b>Indicative</b>		<b>From</b>	<b>To</b>
7	Submission	March 2023	
8	Examination	March 2023	Sept 2023
9	Inspectors Report	Sept 2023	
10	Adoption by Council	October 2023	

17. The timetable of Plan preparation has Definitive and Indicative stages. Definitive stages are up to the Deposit of the Plan and are under the control of the Council. The Council has less control over the progress of the Plan after the statutory Deposit stage, as subsequent stages associated with Examination, Receipt of the Inspector’s Report and Adoption is more dependent on external factors from Welsh Government and the Planning Inspectorate (PINS). As such these stages are indicative only.



18. The Community Involvement Scheme outlines the LPA's principles of community engagement, its approach in relation to who, how and when it intends to engage with the community and stakeholders; how it will respond to representations and how these representations will inform later stages of plan preparation.
19. The final Delivery Agreement also sets out the resources that will be required to prepare the Replacement LDP together with a Risk Assessment identifying areas of uncertainty that may impact on the timetable for Plan preparation and mitigation measures required to keep the Plan on track.

### **Next Steps**

20. The Council must formally submit the Final Review Report and Delivery Agreement to Welsh Government for approval before the process can commence. It is anticipated that formal preparation of the Replacement Plan will commence with a formal launch of the process in early May 2020. Further reports will be brought before Cabinet and Council for consideration at key stages in the plan preparation process. The first of these is due to be consideration of the Integrated Sustainability Appraisal Report in September 2020 following consultation in summer 2020.

### **Reason for the Recommendation**

21. The Planning and Compulsory Purchase Act 2004 and regulation 41 of the Town and Country Planning (Local Development Plan) (Wales) Regulation 2005 requires that a Local Planning Authority must commence a full review of its LDP every 4 years from the date of its initial adoption and that such a review must be preceded by a Review Report. The LDP Manual (2015) also advises that the Review Report should be formally approved by the LPA, published on its web-site and sent to Welsh Government.

### **Legal Implications**

22. A review of the LDP is part of the wider statutory review as referred to in paragraph 21 above. Reference has been made in the body of the report to the SDP, it is noted that a separate report will be provided on that at which stage detailed legal implications on the SDP will be provided.
23. The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh language, The Council has to consider the Well-being of Future Generations (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales.
24. The Well-Being of Future Generations (Wales) Act 2015 'the Act' places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier,

more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

25. In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2019-22: <http://cmsprd.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Documents/Corporate%20Plan%202018-21.pdf>
26. When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
27. The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
  - Deliver an integrated approach to achieving the 7 national well-being goals
  - Work in collaboration with others to find shared sustainable solutions
  - Involve people from all sections of the community in the decisions which affect them
  - Look to the long term
  - Focus on prevention by understanding the root causes of problems
28. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>
29. Equality Duty. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of 'protected characteristics'. The 'Protected characteristics' are:
  - Age
  - Gender reassignment
  - Sex
  - Race – including ethnic or national origin, colour or nationality
  - Disability
  - Pregnancy and maternity
  - Marriage and civil partnership
  - Sexual orientation
  - Religion or belief – including lack of belief.

### **Financial Implications**

30. Although there will be no additional financial implications from the submission of the final Review Report and Delivery Agreement to the Welsh Government, the costs of undertaking the suggested full review of the LDP will be significant. These costs are expected to be incurred over a number of years, with projected costs of c£1m over a 4 year period. The 2020/21 Budget includes a single year allocation of £300,000 from the Financial Resilience Mechanism (FRM) to fund additional LDP costs in that financial year as well as additional budget of £137,000 to fund the preparation of the SDP or LDP as appropriate.

### **Human Resources Implications**

31. There are no HR implications for this report.

### **Property Implications**

32. There are no property implications for this report

### **CABINET PROPOSAL**

Council is recommended to approve the final Review Report and final Delivery Agreement and authorise their submission to Welsh Government.

### **THE CABINET 19 MARCH 2020**

*The following Appendices are attached:*

Appendix 1 – Final Review Report, March 2020

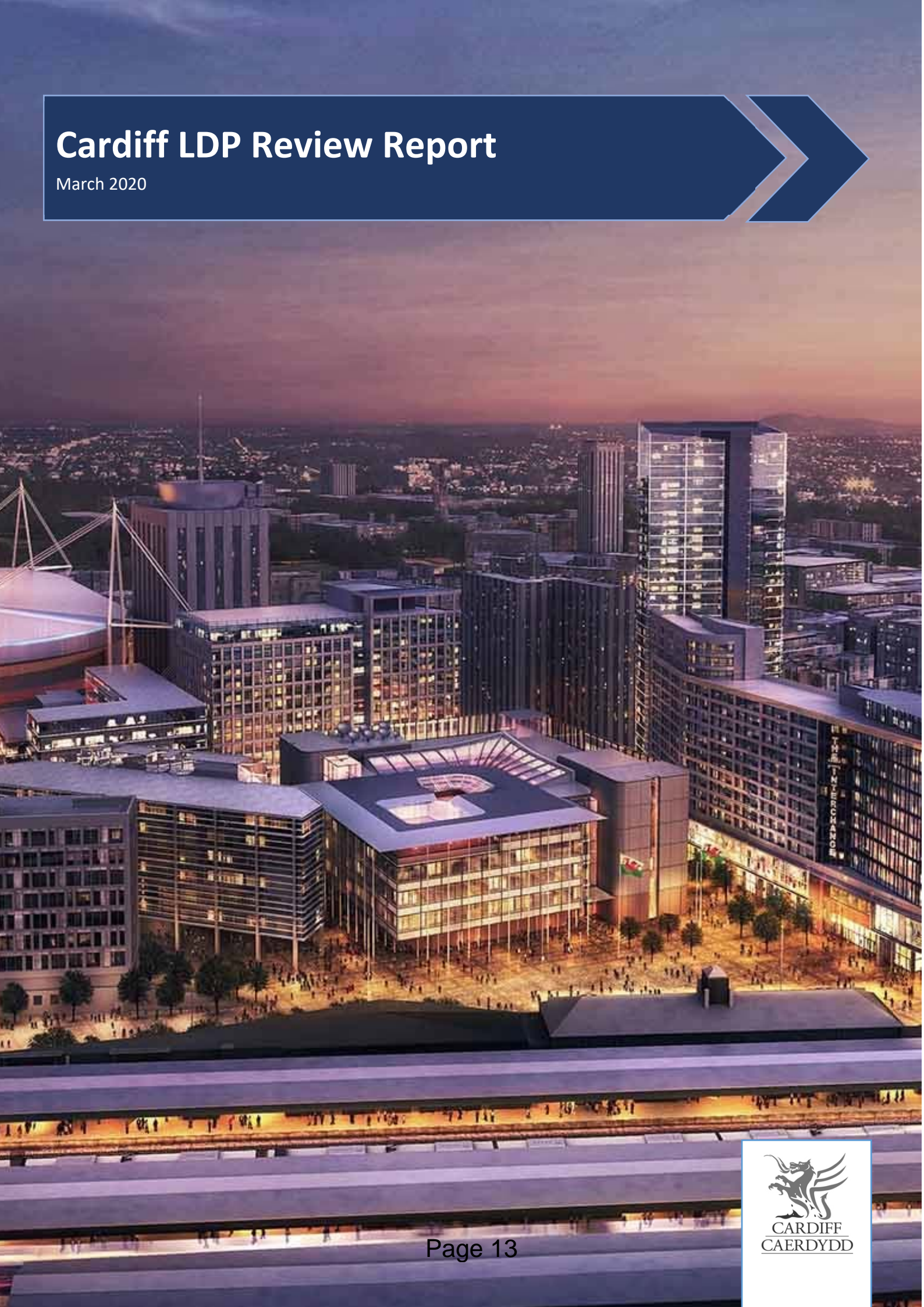
Appendix 2 – Final Delivery Agreement, March 2020

Appendix 3 – Summary of comments received and Council responses

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# Cardiff LDP Review Report

March 2020



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# 1. Introduction

## Background

- 1.1. The Cardiff Local Development Plan (LDP) was adopted by the Council on 28<sup>th</sup> January 2016 and sets out the Council's planning framework for the development and use of land in Cardiff over the period 2006 to 2026.

## Purpose of this Report

- 1.2. The draft Review Report sets out the proposed extent of likely changes to the existing LDP (2006-2026) and seeks to confirm the revision procedure to be followed in preparing a replacement LDP. It is proposed that the Replacement LDP will cover a plan period up to 2035, which is the end of a 15 year plan period that will commence in 2020.

## Structure of the Report

- 1.3. The draft Review Report is structured as recommended in national guidance and contains the following sections:
- 1.4. **Section 2** details the key legislative, national and local policy changes and evidence base that have occurred since the adoption of the LDP in 2016 which are important considerations to inform the review of the LDP and a summary of the main findings of the 2019 Annual Monitoring Report, taking into account the previous 2 AMR's and associated implications for review of the LDP.
- 1.5. **Section 3** provides an assessment of the current LDP and sets out the potential changes required in terms of the Vision and Objectives, Development Strategy and Policies to inform the review process.
- 1.6. **Section 4** considers the areas of evidence base that would need to be reviewed/ updated in preparing a revised LDP
- 1.7. **Section 5** considers the potential options for review of the LDP and opportunities for collaboration.
- 1.8. **Section 6** provides a conclusion on the appropriate form of plan revision.

## **2. Information and Issues informing the LDP Review**

### **Contextual Changes**

2.1. A wide range of contextual material has been published since the adoption of the LDP and creates a more up-to-date evidence base to inform plan review. This includes national legislation and relevant plans, policies and strategies at the national, regional and local level. The most significant of these changes are set out below.

### **Legislative Changes**

#### **Planning (Wales) Act 2015**

2.2. The Planning (Wales) Act received Royal Assent in July 2015 and came into force in stages between October 2015 and January 2016. It sets out a series of legislative changes to deliver reform of the planning system in Wales, to ensure that it is fair, resilient and enables development. The Act addresses 5 key objectives which includes strengthening the plan-led approach to planning. It introduces a legal basis for the preparation of a National Development Framework (NDF) and Strategic Development Plans (SDPs). The NDF is a national land use plan which will set out Welsh Government's policies in relation to the development and use of land in Wales. It has currently reached the Consultation Draft stage with adoption anticipated in 2020 when the NDF is intended to replace the Wales Spatial Plan. SDPs are intended to address cross-boundary issues at a regional level such as housing, employment and waste and must be in general conformity with the NDF. The Regulations make reference to three strategic planning areas including South East Wales. It is anticipated that Cardiff will be part of this strategic planning area, in alignment with the emerging Cardiff Capital Region City Deal proposals. LDPs will continue to have a fundamental role in the plan-led system. The Act requires LDPs to be in general conformity with the NDF and any SDP which includes all or part of the area of the authority. SDPs must set the scene for the preparation of LDP 'Lites' by LPAs. These must be in general conformity with the SDP.

#### **The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015**

2.3. Amendments to The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 were carried out in response to the outcome of the LDP Refinement Exercise and aim to simplify certain aspects of the local development plan process.

2.4. The amended Regulations:

- Remove the statutory requirement to advertise consultation stages in the local press;
- Allow local planning authorities to make revisions to the local development plan where the issues involved are not of sufficient significance to warrant the full procedure, without going through the full revision process;



- Eliminate the need to call for and consult on alternative sites following the deposit consultation; and
- Make minor and consequential amendments.

2.5. The amended LDP Regulations came into force on 28 August 2015 and together with the related policy and guidance in Planning Policy Wales (PPW) and the revised LDP Manual aim to make the LDP process more efficient and effective (i.e. enabling swifter plan preparation and revision without imposing unnecessary prescription). The amended Regulations do not have any implications for the current LDP but will need to be considered in relation to any Plan review and will be given further consideration as necessary.

### **Well-being of Future Generations (Wales) Act 2015**

2.6. The Well-being of Future Generations (Wales) Act gained Royal Assent in April 2015 and came into force on 1<sup>st</sup> April 2016. The Act strengthens existing governance arrangements for improving the well-being of Wales by ensuring that sustainable development is at the heart of government and public bodies. It aims to make a difference to the lives of people in Wales through setting objectives which maximise its contribution to achieving each of the seven wellbeing goals namely ‘a globally responsible Wales’, a prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales; a Wales of cohesive communities, and a Wales of vibrant culture and thriving Welsh Language.

2.7. The Act established a Public Service Board for each local authority area in Wales who must improve the economic, social environmental and cultural well-being of its area by working to achieve the well-being goals. The Cardiff PSB are responsible for preparing and publishing a Local Well Being Plan (LWBP) which sets out its objectives and the steps it will take to meet them. The four statutory members of the PSB are the Local Authority, Local Health Board, Fire and Rescue Authority and Natural Resources Wales; other organisations are also invited. As part of its responsibility the PSB has produced a well-being assessment which assesses the state of economic, social, environmental and cultural well-being in Cardiff. The PSB LWBP was agreed in May 2018 and sets out a 5 year plan (2018-2023) to respond to the issues raised. The objectives are set out below and will inform the vision and objectives for the replacement LDP:

- Objective 1 A Capital City that Works for Wales;
- Objective 2 Cardiff grows in a resilient way;
- Objective 3 Safe, Confident and Empowered Communities;
- Objective 4 Cardiff is a great place to grow up;
- Objective 5 Supporting people out of poverty
- Objective 6 Cardiff is a great place to grow older; and
- Objective 7 Modernising and Integrating Our Public Services

2.8. Given that sustainable development is the core underlying principle of the LDP (and SEA) there are clear associations between the aspirations of both the LDP and Local Well-being Plans. It is important that the Plan review process recognises the importance of responding to this agenda and consequent WG guidance as captured in the revised Planning Policy Wales (Edition 10) also referenced in this section.

### **Environment (Wales) Act 2016**

2.9. This Act received Royal Assent in March 2016 and came into force on 21<sup>st</sup> May 2016 and sits alongside the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015 in promoting sustainable use, management and development of Welsh resources. The Environment (Wales) Act introduces new legislation for the environment and provides an iterative framework which ensures that managing Wales' natural resources sustainably will be a core consideration in decision-making. It requires Natural Resources Wales (NRW) to prepare a State of Natural Resources Report that provides an assessment of natural resources and considers the extent to which they are being sustainably managed. The Act also requires Welsh Government to produce a National Natural Resources Policy that sets out the priorities, risks and opportunities for managing Wales' natural resources sustainably. NRW will also produce a local evidence base (Area Statements) to help implement the priorities, risks and opportunities identified in the National Policy and set out how these will be addressed.

### **Historic Environment (Wales) Act 2016**

2.10. The Historic Environment (Wales) Act 2016 received Royal Assent in March 2016. The Act makes important changes to the two main UK laws that provide the legislative framework for the protection and management of the historic environment: the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990. The Act will give more effective protection to listed buildings and scheduled ancient monuments; improve the sustainable management of the historic environment; and introduce greater transparency and accountability into decisions taken on the historic environment.

### **Public Health (Wales) Act 2017**

2.11. The Public Health (Wales) Act 2017 received Royal Assent in July 2017. The Act makes changes to the law in Wales to improve health and prevent avoidable health harms. Some of the relevant changes in the Act include the production of a national strategy on preventing and reducing obesity and a requirement to undertake Health Impact Assessment (HIA) on key decisions.

## **National Planning Policy Amendments**

### **Planning Policy Wales and Technical Advice Notes**

2.12. Since the LDP was adopted in January 2016 Welsh Government have issued a completely revised version of Planning Policy Wales (Edition 10) in December 2018. This has been re-drafted so that the seven well-being goals and five ways of working of the Well Being of Future Generations Act 2015 is fully integrated into policy. It also puts the concept of placemaking into the heart of national planning policy in order to ensure that planning decisions consider all aspects of well-being and deliver new development which is sustainable and provides for the needs of all people. In addition the following new or amended Technical Advice Notes have been issued since the LDP was adopted in January 2016:-

- TAN 4: Retail and Commercial Development (November 2016)
- TAN12: Design (March 2016)
- TAN 20: Planning and the Welsh Language (October 2017)
- TAN21: Waste (February 2017)
- New TAN 24: The Historic Environment (May 2017)

### **Natural Resources Policy**

2.13. In line with the Environment (Wales) Act 2015 the Welsh Government produced a Natural Resources Policy (NRP) in August 2017. The focus of the NRP is the sustainable management of Wales' natural resources, to maximise their contribution to achieving goals within the Well-being of Future Generations Act. The NRP sets out three National Priorities: delivering nature-based solutions, increasing renewable energy and resource efficiency, and, taking a place-based approach. The NRP also sets the context for Area Statements, which will be produced by Natural Resources Wales, ensuring that the national priorities for sustainable management of natural resources inform the approach to local delivery. Local Planning Authorities must have regard to the relevant area statement in Local Development Plans. The implications of the NRP and the relevant Area Statement, which is due to be finalised in 2019, for the LDP will be considered through the revision process.

### **National Development Framework**

2.14. The Welsh Government has commenced work on the production of a National Development Framework (NDF) which will replace the Wales Spatial Plan. The NDF will set out the 20 year spatial framework for land use in Wales, providing a context for the provision of new infrastructure/growth. It will concentrate on development and land use issues of national significance which the planning system is able to influence and deliver. WG undertook a Call for Evidence and Projects between December 2016 and March 2017, consulted on Issues and Options in April 2018 and a draft NDF in August 2019. Any resultant implications of the NDF will be considered through the LDP revision process.

## Overview

2.15. Overall, there has been significant and strategic changes to the national legislative and policy framework which are considered to be of direct relevance to land use planning. Collectively, the new legislative policy and guidance represents a significant departure from the evidence base informing the existing LDP and supports the need to respond to this new contextual framework.

## Regional Context

### Cardiff Capital Region and City Deal

2.16. South-East Wales is identified as a new city-region in Wales, covering Cardiff and South-East Wales Local Authorities. As set out in the report 'Powering the Welsh Economy, the Cardiff Capital Region is intended to encourage the ten local authorities and other key partners in its boundaries to work together and collaborate on projects and plans for the area. The Authorities forming the Capital Region are continuing to work on a City Deal bid to fund projects aimed at boosting the competitiveness of the region over the next 20 years. Of note, the City Deal document was signed by the 10 local authority leaders, Secretary of State for Wales, Chief Secretary to the Treasury and First Minister in March 2016. The progress of the Cardiff Capital Region agenda, City Deal Bid and any subsequent implications for the LDP will be given further consideration in subsequent AMRs where appropriate.

### Neighboring LDPS

2.17. The **Vale of Glamorgan LDP** was adopted by the Council on 28<sup>th</sup> June 2017 and provides the local planning framework to 2026. The Council must commence a review of its LDP before June 2021.

2.18. **Rhondda Cynon Taff LDP** was adopted by the Council on 2<sup>nd</sup> March 2011 and provides the local planning policy framework up until 2021. RCT have commenced a review of their LDP covering the period 2020 to 2030 and a draft Review Report and Draft Delivery Agreement were agreed by their Cabinet on 17<sup>th</sup> October 2019.

2.19. The **Newport LDP** was adopted by the Council on 27<sup>th</sup> January 2015 and covers the plan period 2011 – 2026. A Full Review has not been commenced to date with the 4<sup>th</sup> AMR (October 2019) concluding that the Council is of the view that the LDP is performing well and enabling growth in sustainable locations. The AMR also recommends that consideration be given to triggering a review of the LDP prior to the fifth anniversary of the plan in January 2020 dependant on the outcome of discussions with Senior Managers and Members, Welsh Government, the development industry, neighbouring Authorities and progress with the Strategic Development Plan.

2.20. The **Caerphilly LDP** was adopted on 23<sup>rd</sup> November 2010 and covers the period 2006 – 2021. On the 8<sup>th</sup> October 2013, the Council considered the findings of the second AMR and resolved to commence work on the Review of the Plan in order to update the LDP to cover the Plan period up to 2031. The Council consulted on the Deposit

Replacement LDP between 11th February and 22nd April 2016. However, on 11th October 2016, following receipt of objections from the Welsh Government to the Deposit Replacement LDP consultation, the Council resolved to withdraw the Replacement LDP. Recently Caerphilly agreed at their Council meeting on 23<sup>rd</sup> October 2019 to commence work on a full revision of their adopted LDP.

## **Local Context**

2.21. A number of local policy documents and strategies have been prepared or revised since the adoption of the LDP.

## **Capital Ambition (2017 to 2022)**

2.22. This sets out the Administration's five-year policy agenda for the city. The plan focuses on four main areas: Working for Cardiff - making sure everyone who lives and works here can contribute to, and benefit from, the city's success. Working for Wales - A successful Wales needs a successful capital city. Working for the future - Managing the city's growth in a sustainable way. Working for public services - Making sure public services are delivered efficiently, effectively and sustainably in the face of rising demands and reduced budgets. The Corporate Plan (2019-2022) and the Well-Being Plan 2018-2023 are the key documents in delivering Capital Ambition.

## **Cardiff Well-Being Plan 2018-2023**

2.23. Under the provisions of the Well-Being of Future Generations Act, every Public Service Board in Wales must publish a Local Well-Being Plan by May 2018.

2.24. Having undertaken a local well-being assessment to understand the city's strengths and challenges, Cardiff's Public Services Board (PSB) has produced a Local Well-being Plan – a 5 year plan to respond to the issues raised.

2.25. The Well-being Plan sets out the Cardiff PSB's priorities for action focusing on the areas of public service delivery which fundamentally require partnership working between the city's public and community services, and with the citizens of Cardiff.

2.26. The Plan contains Well-being Objectives, high-level priorities that the Cardiff PSB has identified as being most important. It also contains 'Commitments,' or practical steps that the city's public services, together, will deliver over the next 5 years.

## **Bilingual Cardiff 5 Year Welsh Language Strategy**

2.27. The strategy was published in March 2017 following Cabinet and full Council consideration. It sets out our priorities for facilitating and promoting the Welsh language in Cardiff with our partners, starting our journey to becoming a truly bilingual capital for Wales.

## **Strategic Equality Plan**

2.28. In March 2016 the Council adopted a new plan to set out the Council's equality priorities for the next four years. Seven new Equality Objectives were agreed in conjunction with

local citizens and third sector organisations. These new Equality Objectives are shaping the Council's policy, service delivery, and support to employees – eliminating discrimination, advancing equality of opportunity, and fostering good relations between different groups.

### **Transport Strategy**

2.29. The Council's Transport Strategy was agreed by Cabinet in October 2016 and brings together the proposals in the Local Development Plan and the Local Transport Plan. The purpose of this strategy is to:

- Raise awareness of Cardiff's transport challenges over the next 20 years
- Highlight the main projects and actions which the Council proposes to undertake to tackle the challenges and increase sustainable travel in Cardiff

### **Clean Air Strategy**

2.30. This strategy was agreed by Cabinet in June 2019 and proposes major changes to vehicle access in Cardiff city centre, which form part of a £21 million plan to clean up the city's air. Proposal include:

- A new two-way segregated cycle track around the city centre, passing Cardiff Castle, Queen Street station and the Motorpoint Arena
- Traffic on Castle Street cut to one lane in each direction, keeping the southbound bus lane
- Single-lane traffic in Westgate Street plus one-way cycle lanes
- A gate on Westgate Street which would allow only buses to access the junctions with Wood Street and Park Street
- Loans of £3.8m to Cardiff Bus to buy 36 electric buses
- A target of 30% of taxi trade to switch to electric or hybrid vehicles

2.31. The Council has now submitted the plans to Welsh Government to request funding for the proposals.

### **Cardiff Older Persons' Housing Strategy 2019 - 2023**

2.32. This strategy sets out how the Council and its partners will deliver the best housing outcomes for all older people in Cardiff. The Strategy has a number of key aims, including planning new homes and communities to address future housing and care needs across all tenures and building strong inclusive communities and tackling social isolation.

### **The Council's Economic Strategy Building More Homes and Better Jobs**

2.33. The Economic Strategy contains 3 parts – a spatial strategy, an industrial strategy and underpinning themes to support the strategy and sets out a number of priorities and projects aimed at delivering the Council's aims for the economy over the next 10 years including: generating 20,000 additional jobs for the city –region; creating Wales first significant commercial business cluster in Central Square, Central Quay and Callaghan

Square; establishing Cardiff Bay as a leading UK urban visitor destination in its own right; putting Cardiff at the heart of the UK's Creative and Digital sector; positioning Cardiff as a national centre for Reg-Tech as part of its fin-tech and cyber security cluster; strengthening Cardiff city-region's place as the focal point for advanced manufacturing in Wales, focusing on compound semi-conductors and life sciences; supporting the city's communities and districts to take advantage of the city's growth and; establishing stronger city-region governance that delivers for Wales.

### **Cardiff 2030 A Ten Year Vision for a Capital City of Learning and Opportunity**

2.34. This strategy was launched in October 2019 and includes aims to continue to enhance and develop the education estate in order to meet the changing demographic and societal requirements of the city. The strategy includes commitments to deliver the 21<sup>st</sup> Century Schools Programme including new/rebuilt schools and deliver new schools to take account of population growth and economic development in the city through the LDP.

### **Welsh Government Population and Household Projections**

2.35. Since the LDP was adopted the Welsh Government has released population and household projections based on mid-year population estimates for 2014 (published 2016) and mid-year population estimates (published annually). The key changes for Cardiff are as follows:

- The 2014 based population projections indicate that population levels will increase from 354,294 to 395,679 between 2014 and 2026. This is a 2% lower level of increase to that projected in the LDP which showed an increase to 403,684.
- The 2014 based household projections indicate that household levels will increase from 147,582 to 169,745 between 2014 and 2026. This is a 5% lower level of increase to that projected in the LDP which showed an increase to 177,845.
- The Mid Year Estimates for the period 2011 to 2018 identify a steady increase from 345,442 to 364,248, which equates to an increase of 0.78% per year over the last 7 years.

2.36. New official Welsh Government population and household projections are anticipated in the near future. Together with previously issued projections since LDP adoption, this important source of evidence will clearly be of significance in the Plan review process where the level of growth over an increased time period will need to be assessed.

### **LDP Annual Monitoring Report – Key Findings**

2.37. Overall the findings of the third AMR for year 3 are positive with the majority of the indicators shown as green indicating that most LDP policies are being implemented effectively. A summary of performance against the main Plan topics are set out below with Appendix 1 setting out the data and conclusions in more detail.

2.38. **Employment** – Monitoring data shows continuing strong performance. Of particular importance is data regarding net job creation - There is a requirement for 40,000 new jobs over the plan period 2006-2026. 20,900 jobs were created between 2006 and 2015

and therefore the target for the remaining plan period is 19,100 jobs or 1,750 jobs annually. Since the first AMR (16/17) the number of jobs has been steadily increasing and the latest AMR shows an increase of 6,000 jobs since April 2018.

2.39. **Housing** – Monitoring data shows new homes have now started to be completed on many of the LDP Strategic Sites. Specifically, there are new completions on 3 of the Strategic Sites.

- 511 completions have been achieved at St Ederyns Village (just short of the 515 target included in the AMR);
- 167 completions have been achieved on the North West Cardiff Strategic site, which has three separate outlets underway with more planned in the near future
- 51 completions have been recorded on the North East Cardiff Strategic site and construction is underway at Churchlands.

2.40. Although these rates are below targets set out in the AMR it is now evident that the Plan-led approach is now starting to successfully drive the delivery of new homes at a level not seen for the last 10 years. The 1,444 completions in 2018/19 (43% higher than 2017/18) contrast with the previous 9 years where completions averaged 725 units per annum, with no year above 1,000 units for this period.

2.41. The data on housing delivery demonstrates the ‘lag’ between Plan adoption and homes being completed on new sites allocated in the Plan. Due to a combination of site assembly, legal and logistical factors experienced by landowners/developers along with the time required to secure the necessary planning and adoption consents, trajectories of delivery are slower than originally anticipated. This includes time spent securing the accompanying Section 106 Agreements which fully deliver the Council’s aspirations as set out in the LDP. Overall, over the 13 years between 2006 and 2019 a total of 16,521 new dwellings were built in Cardiff which represents 40% of the overall dwelling requirement.

2.42. However, construction has now started or is about to start on most of the strategic housing sites following the master planning and infrastructure plans approach as set out in the plan and it is therefore expected that housing completions over the remaining 7 years of the Plan period will increase significantly.

2.43. **Affordable Housing** - In terms of the delivery of affordable housing, the plan sets a target for the delivery of 6,646 affordable units to be provided for the 12 years between 2014 and 2026, with an interim target in the AMR to provide 1,942 affordable dwellings by 2019.

2.44. Monitoring data indicates that at 2019, 1,082 affordable units had been delivered which represents 25% of overall completions. Whilst this is less than the numerical target, as highlighted above it reflects the slower than anticipated progress in the strategic housing allocations being delivered. Given the low overall completion rates over previous years, it would be unrealistic in these circumstances to expect any significantly higher affordable housing contribution which inevitably reflects a percentage of the overall number of completions. As set out above, construction has now started or is



about to start on most of the strategic housing sites following the master planning and infrastructure plans approach as set out in the plan and it is therefore expected that affordable housing completions over the remaining 7 years of the Plan period will increase significantly.

- 2.45. **Transportation** - Data collected in relation to travel by sustainable modes is reflecting the fluctuations as shown in past trends over the last 10 years. This demonstrates that sustainable travel trends have continued to increase over the last 10 years for both work and shopping, although for leisure and education the trends show a slight decrease.
- 2.46. There has been a positive outturn in sustainable travel over the past year, with the target 1% increase having been achieved for each of the journey purposes, with significant growth in particular evident for journeys to Work (+5.3% mode-shift). In terms of sustainable travel modes, significant progress has been made in meeting cycling targets for all journey purposes with cycling to work in particular having experienced substantial growth in the past one year period (+3.7%). Train use has very slightly declined over the past year for work and education but the 10 year trend shows a significant increase. Walking has increased over the last year for all journey purposes with a fluctuating longer term trend. Bus use has decreased for education, shopping and leisure, reflecting a longer term downward trend.
- 2.47. At this juncture, without the significant roll-out of new houses and provision of supporting sustainable transportation infrastructure, the early stage of Metro delivery together with the ongoing implementation of wider Council initiatives, it is too early to draw any firm conclusions with regard to policy delivery, particularly given that the 50:50 modal split target relates to 2026. Future AMR's will provide formal regular annual updates. However, the masterplanning approach together with section 106 Agreements already secured will enhance the phased future provision of supporting transportation infrastructure along with other measures such as increased frequency of public transport services and provision of bus passes to new residents.
- 2.48. **Gypsy and Traveller Sites** - work is progressing the identification of sites to meet the evidenced need for permanent and transit Gypsy and Traveller sites. This has included discussions with the Welsh Government and work continues to secure appropriate outcomes. In terms of transit sites, it is considered that these would best be considered on a regional basis, requiring collaboration with neighbouring local authorities through the LDP revision process.
- 2.49. **Supplementary Planning Guidance** – Significant progress has been made in producing a programme of new Supplementary Planning Guidance (SPG) and since adoption of the LDP 18 SPGs have been approved by Council to support the policies in the adopted Plan and the Cardiff Infrastructure Plan is currently being updated.

2.50. **Contextual Changes** – the contextual review highlights significant changes in the national planning policy framework which has evolved significantly over the last three monitoring periods. In particular, Planning Policy Wales (PPW, Edition 10, December 2018) which in turn responds to the Well-being of Future Generations Act, 2015 have made significant changes to the high-level policy framework.

### 3. Review of LDP and potential changes required

#### LDP Vision

3.1. In order to tackle key issues and guide and manage future development the LDP identified a clear vision of what the City should look like in 2026. Therefore, an important aspect of the LDP review, will be assessing the extent the Plan vision should be updated having regard to changes since Plan adoption. Specifically, the LDP Vision was derived from the vision is as set out in the 10 year, 'What Matters' Strategy (2010-2020) and states that:

***By 2020...Cardiff will be a world class European capital city with an exceptional quality of life and at the heart of a thriving city-region.***

3.2. In order to deliver the vision set out in the 'What Matters' Strategy it identified the following seven strategic outcomes:

- People in Cardiff are healthy
- People in Cardiff have a clean, attractive and sustainable environment
- People in Cardiff are safe and feel safe
- Cardiff has a thriving and prosperous economy
- People in Cardiff achieve their full potential
- Cardiff is a great place to live, work and play
- Cardiff is a fair, just and inclusive society

3.3. The "What Matters" Strategy was replaced by a Local Well Being Plan (Agreed May 2018) which a requirement of the Well Being of Future Generations Act (2015).

3.4. The review process provides a timely opportunity to consider the implications of the new context for determining the most appropriate future vision.

#### LDP Objectives

3.5. The LDP Vision is delivered through 4 Strategic Objectives (and 23 specific objectives) which seek to respond to the evidenced economic and social needs but in a way that is co-ordinated, respects and enhances Cardiff's environment and sets out a framework for delivering the sustainable neighbourhoods of the future. These four strategic objectives are at the centre of the LDP: They are:

1. To respond to evidenced economic needs and provide the necessary infrastructure to deliver development;
2. To respond to evidenced social needs;

3. To deliver economic and social needs in a co-ordinated way that respects and enhances Cardiff's environment; and
4. To create sustainable neighbourhoods that form part of a sustainable city.

### Assessment of the existing LDP Objectives against the Well Being Goals

3.6. The assessment of compatibility between the 4 Strategic LDP Objectives (and 37 specific objectives) and the 7 Well Being Goals indicates that the current LDP Objectives contribute to achieving a range of Well Being goals and individual objectives delivering multiple goals. There is no obvious conflict between the Objectives and the Well Being Goals. However, the review process will allow a more in-depth assessment to take place and inform the most appropriate and up-to-date objectives.

3.7. The table below provides an assessment of LDP Objectives against Well Being Goals.

### Seven Well Being Goals

<b>Prosperous Wales</b>
<b>Resilient Wales</b>
<b>Healthier Wales</b>
<b>More Equal Wales</b>
<b>Wales of Cohesive Communities</b>
<b>Wales of vibrant culture and thriving Welsh Language</b>
<b>Globally Responsible Wales</b>

LDP Objectives	Well Being Goals						
	Prosperous	Resilient	Healthier	More Equal	Wales of Cohesive Communities	Wales of vibrant culture and thriving Welsh Language	Globally Responsible
<b>1. To respond to evidenced economic needs and provide the necessary infrastructure to deliver development</b>	Green	Green	Green	Green	Green	Green	Green
<i>1a. To effectively respond to Cardiff's role as capital city for Wales, seat of the National Government and centre of the city-region in terms of providing a range and choice of economic opportunities that will drive the prosperity of the region.</i>	Light Green	White	Light Green	Light Green	Light Green	Light Green	White

LDP Objectives	Well Being Goals						
	Yellow	Orange	Red	Dark Red	Dark Blue	Blue	Light Blue
1b. To maximise the economic potential of the city centre of Cardiff as a major financial and service sector opportunity that builds upon its position next to a transport hub of national and regional significance and is readily accessible from all areas within the city and well connected to other UK cities.	Green		Green	Green	Green		
1c. To maintain and enhance the vitality, attractiveness and viability of the city centre as a major retail and cultural destination and as a place to work, visit and live.	Green		Green	Green	Green	Green	
1d. To continue the successful regeneration of the Cardiff Bay area, maximising opportunities for quality commercial buildings and further development, particularly water and river frontage developments that can provide attractive and distinctive environments.	Green		Green	Green	Green		
1e. To promote clusters of specialist sectors and research & development expertise including the following key sectors: ICT; Energy and environment; Advanced materials and manufacturing; Creative industries; Life sciences; and Financial and professional services.	Green		Green	Green	Green		
1f. To ensure a range and choice of employment land and business premises at sustainable locations across the city is provided to assist economic competitiveness, encourage entrepreneurship, promote the growth of indigenous businesses of all types and size and attract inward investment.	Green		Green	Green	Green		
1g. To assist the promotion of Cardiff as a major tourist destination including the provision of the development of a variety of high quality tourist facilities and visitor accommodation.	Green		Green	Green	Green	Green	
1h. To create a physical and economic environment that develops, attracts and retains skilled workers, businesses and entrepreneurs to Cardiff together with maximising links with Universities and supporting indigenous skills and enterprises.	Green		Green	Green	Green	Green	
1i. To quantify critical strategic infrastructure required to realise development aspirations and set out clear mechanisms for delivery including sustainable transport solutions for strategic sites.	Green	Green	Green	Green	Green		Green
1j. To establish Cardiff as a sustainable travel city by reducing the need to travel, increasing the use of sustainable travel modes and networks (particularly walking and cycling), decreasing private car use and improving the city's key transport hub based at the adjacent central bus and train stations.	Green	Green	Green	Green	Green		Green
1k. To protect existing mineral resources and ensure an adequate supply of limestone aggregates in the north west of the city for the construction industry and to promote their efficient and appropriate usage, including the use of recycled aggregates where possible.	Green		Green				Green
1l. To support sustainable collection and recycling methods for Municipal Waste by maintaining and improving an integrated network of facilities in Cardiff.	Green	Green	Green				Green

LDP Objectives	Well Being Goals						
	Yellow	Orange	Red	Dark Red	Dark Blue	Blue	Light Blue
<i>1m. To lead and participate in securing regional facilities for the sustainable treatment and disposal of Municipal Waste in accordance with the Regional Waste Plan and in a manner that follows the waste hierarchy which seeks to maximise the reduction of waste in the first place and thereafter reusing, recovering and recycling options before the disposal of waste material is considered.</i>	Green	Green	Green	White	White	White	Green
<i>1n. To facilitate an integrated network of commercial and industrial sustainable waste management facilities consistent with the needs of the South East Wales area and in a manner that follows the waste hierarchy which seeks to maximise the reduction of waste in the first place and thereafter reusing, recovering and recycling options before the disposal of waste material is considered.</i>	Green	Green	Green	White	White	White	Green
<b>2. To respond to evidenced social needs</b>	Green	Green	Green	Green	Green	Green	Green
<i>2a. To provide new homes required to support the economic progression of the city and to respond to population change, continued in-migration and evidenced demand for affordable and family housing so that social needs can be addressed.</i>	Green	White	Green	Green	Green	White	Green
<i>2b. To provide a range and choice of new homes of different tenure, type and location that meets specific needs such as the provision of affordable housing, family accommodation, housing for the elderly, the disabled and students and pitches for the gypsy and traveller community.</i>	Green	White	Green	Green	Green	White	Green
<i>2c. To maximise the use of the existing building stock through refurbishment, retro-fitting and empty homes initiatives.</i>	Green	White	Green	White	White	White	White
<i>2d. To bring about changes to Cardiff's environment and neighbourhoods that help to tackle health inequalities, promote good health and enable healthier lifestyles to be led by the city's population in line with Cardiff's status as a World Health Organisation, 'Healthy City'.</i>	Green	White	Green	Green	Green	White	White
<i>2e. To bring about changes to Cardiff's environment that create a safer city and reduce the likelihood, fear and consequences of crime.</i>	Green	White	Green	White	Green	White	White
<i>2f. To create an environment that is made more accessible to all groups in society so that the employment opportunities, facilities and services of the city can be more readily used and enjoyed by all.</i>	Green	White	Green	Green	Green	White	White
<i>2g. To maximise the multi-functional role played by Cardiff's parks, open spaces and allotments together with improving their accessibility for the whole community.</i>	Green	White	Green	Green	Green	White	White
<i>3h. To recognise, support and enhance the key role played by existing District, Local and Neighbourhood Centres as accessible local hubs providing community services, local shops, healthy food choices, businesses, employment and access to public transport.</i>	Green	White	Green	Green	Green	White	White

LDP Objectives	Well Being Goals						
	Yellow	Orange	Red	Dark Red	Dark Blue	Blue	Light Blue
<i>2i. To support the regeneration of local neighbourhoods including reducing inequalities, particularly areas experiencing high levels of deprivation, areas vulnerable to decline and areas with opportunities for change.</i>	Green		Green	Green	Green		
<i>2j. To ensure that the necessary education and training facilities are provided and are accessible to all: to build strong futures for children, provide a diverse range of learning opportunities for all and assist economic progress through the development of required skills.</i>	Green		Green	Green	Green		
<i>2k. To develop new cultural, leisure and sporting facilities to meet needs and enhance Cardiff's role as a premier cultural and sporting destination.</i>	Green		Green		Green	Green	
<i>2l. To ensure that the necessary community and cultural facilities (community centres, shops with healthy food choices, youth facilities, child care, faith buildings, health centres, etc.) are provided that are accessible to all in areas that are deprived.</i>	Green		Green	Green	Green		
<i>2m. To address rising unemployment and provide accessible local job opportunities, particularly in areas of greatest need.</i>	Green		Green	Green	Green		
<i>2n. To promote social inclusion, equality of opportunity and access for all.</i>	Green		Green	Green	Green		
<b>5. To deliver economic and social needs in a co-ordinated way that respects Cardiff's environment and responds to the challenges of climate change.</b>	Green	Green	Green	Green	Green	Green	Green
<i>3a. To mitigate the effects of climate change through reducing energy demand and increasing the supply of renewable energy.</i>		Green	Green				Green
<i>3b. To ensure that Cardiff adapts to the full anticipated impacts of climate change and that new development and infrastructure is designed to be resilient to possible consequences.</i>		Green	Green				Green
<i>3c. To protect, manage and enhance Cardiff's natural environmental assets.</i>	Green	Green	Green				Green
<i>3d. To conserve and enhance Cardiff's built and historic assets that define distinctive character and reflect its past development.</i>	Green	Green	Green				Green
<i>3e. In identifying new sites to meet economic/social needs, to follow a sequence of firstly maximising the contribution of brownfield sites, then identifying greenfield sites that are considered to represent the most</i>	Green	Green	Green				Green
<i>3f. To have full regard to flood risk when considering the acceptability of development proposals and considering mitigation and adaptation measures.</i>		Green	Green				Green
<i>3g. To maximise opportunities to create a cleaner and more attractive environment that enhances the quality of life and helps Cardiff to become a world-class European capital city.</i>	Green	Green	Green	Green	Green	Green	Green
<b>6. To create sustainable neighbourhoods that form part of a sustainable city</b>	Green	Green	Green	Green	Green	Green	Green

LDP Objectives	Well Being Goals						
	Yellow	Orange	Red	Red-Blue	Blue	Light Blue	Light Green
4a. To ensure that all new development areas (whether greenfield or brownfield) create sustainable neighbourhoods.	Green	Green	Green	Green	Green	Green	Green
4b. To take opportunities to apply the above principles to existing neighbourhoods in order to create a more sustainable city.	Green	Green	Green	Green	Green	Green	Green

## LDP Strategy and Policies

3.8. The LDP strategy and policies have been reviewed having regard to the following:

- Findings of the three LDP Annual Monitoring Reports;
- Significant contextual changes that have occurred since the Plan’s adoption, including changes in national policy and legislation and updates to the evidence base; and
- Internal consultation with relevant specialist officers.

3.9. This gives an overview of whether a policy/allocation is functioning effectively, whether any amendments are likely to be needed and whether any policies should be removed as part of the Plan revision process. The policy assessment undertaken to date is not considered to be definitive and further consideration will be given to the need to revise the Plan’s policies as part of the revision process.

3.10. The revision of the Plan will also need to consider the implications of an extended Plan period. The current Plan runs to 2026, with the Replacement Plan likely to extend to 2035 (plan period 2020-2035). Extending the Plan period will result in a revised dwelling need and a requirement for new sites for both market and affordable dwellings. It will need to take account of the revised version of Planning Policy Wales, latest population and household projections and a revised Local Housing Market Assessment, as well as other updates to the evidence base. Furthermore, the review process can also explore the ways that a new plan could respond to current challenges such as the climate emergency, obesity crises and other issues identified below. These updates and issues will need to be thoroughly considered and addressed in a comprehensive manner.

3.11. The key policy areas that are considered likely to require amendment based on the policy review assessment are discussed in more detail below.

### Level of growth, delivery, spatial distribution and allocations (KP1, KP2 A-H, H1)

3.12. The proposed level of housing provision in the LDP is 41,415 dwellings (Policy KP1) over the Plan period 2006-2026. This figure was primarily informed by the then latest WG household projections which projected a population rise of 33% over the Plan period. Official WG population and household projections issued since have shown reduced levels of growth, with the latest 2014 based population and household



projections showing a 2% lower level of increase in population and 5% lower level of increase in households.

- 3.13. Whilst the level of growth in the latest WG projections has reduced, Cardiff is still projected to experience significant growth over future years. This is illustrated by the fact that even using these latest WG projections Cardiff's population is still expected to grow by 18% up to 2035. This growth is driven by both natural change – the difference between births and deaths and net migration levels – the difference between in and out migration. Whilst growth due to natural change is easier to predict growth as a result of migration is more volatile and difficult to predict.
- 3.14. New WG projections are anticipated in the near future and can help directly inform the Plan review process which will need to assess the most appropriate level of growth for a Plan period beyond the end date of the existing LDP.
- 3.15. In terms of spatial distribution, the LDP recognises that brownfield sites will continue to play an important role in delivering windfall sites and proposes that brownfield sites contribute over half of the provision. However, the LDP also recognises that there is a limited supply of brownfield land. Therefore, in order to provide a catalyst to the local housing market and recognise the role greenfield sites can play in bringing forward high levels of affordable and family housing and wider provision of strategic infrastructure the LDP proposes 5 strategic greenfield housing allocations around the edge of the city, to deliver a total of 13,450 homes by 2026 (Policies KP2 (C) to KP2 (G)).
- 3.16. Future considerations as part of the review process can also be usefully informed by evidence regarding the delivery of growth. In this respect it is clear that the Plan-led approach is now starting to successfully drive the delivery of new homes at a level not seen for the last 10 years. The 1,444 completions in 2018/19 (43% higher than 2017/18) contrast with the previous 9 years where completions averaged 725 units per annum, with no year above 1,000 units for this period.
- 3.17. The data on housing delivery demonstrates the 'lag' between Plan adoption and homes being completed on new sites allocated in the Plan. Due to a combination of site assembly, legal and logistical factors experienced by landowners/developers along with the time required to secure the necessary planning and adoption consents, trajectories of delivery are slower than originally anticipated. This includes time spent securing the accompanying Section 106 Agreements which fully deliver the Council's aspirations as set out in the LDP. Overall, over the 13 years between 2006 and 2019 a total of 16,521 new dwellings were built in Cardiff which represents 40% of the overall dwelling requirement.
- 3.18. However, construction has now started or is about to start on most of the strategic housing sites following the master planning and infrastructure plans approach as set

out in the plan and it is therefore expected that housing completions over the remaining 7 years of the Plan period will increase significantly.

3.19. Evidence gained from the Housing Land Availability Study can also inform the plan review process. Data from the last 10 years is shown below and shows that Cardiff has not achieved a 5 year housing land supply over this period. However, since the adoption of the plan in 2016, the overall land bank, including dwellings estimated to be completed beyond 5 years, has significantly increased to around 13,788. Despite the housing land supply currently standing at 3.5 years, Cardiff has therefore has a large overall landbank of 24,947 dwellings with such data providing an important source of information to inform the review process.

**Table 1: Cardiff Housing Land Supply April 2009 to April 2018**

Year	Number of Years Supply
2009	4.5
2010	3.4
2011	2.3
2012	2.9
2013	3.2
2014	3.6
2015*	No adopted Plan in place
2016	3.8
2017	3.6
2018	3.5

3.20. Overall, the evidence summarised above demonstrates that good progress is now being made and importantly the spatial housing strategy is sound and is adhering to the masterplanning and infrastructure plan approach embedded in the plan.

3.21. However, the review process provides an opportunity to revisit the most appropriate future levels of growth for an extended Plan period and allows a thorough analysis of all other relevant factors such as delivery, urban capacity, spatial approach and how the level of growth would form a key element of the overall Plan strategy.

### **Affordable Housing (H3)**

3.22. In terms of the delivery of affordable housing, Policy KP13: Responding to Evidenced Social Needs sets a target for the delivery of 6,646 affordable units to be provided for the 12 years between 2014 and 2026, with an interim target in the AMR to provide 1,942 affordable dwellings by 2019.

3.23. Monitoring data indicates that at 2019, 1,082 affordable units had been delivered which represents 25% of overall completions. Whilst this is less than the numerical target, as highlighted above it reflects the slower than anticipated progress in the strategic

housing allocations being delivered. Given the low overall completion rates over previous years, it would be unrealistic in these circumstances to expect any significantly higher affordable housing contribution which inevitably reflects a percentage of the overall number of completions.

- 3.24. Encouragingly, the allocated strategic sites are securing the required 30% affordable housing through the issuing of planning consents. This accords with the policy set in the LDP but the physical completions are yet to be fully implemented on the ground.
- 3.25. Construction has now started or is about to start on most of the strategic housing sites so affordable housing completions over the remaining 7 years are expected to increase significantly. This conclusion is supported by the fact there are an additional 4,790 affordable homes in the landbank, which are due to come forward over the next 7 years.
- 3.26. In addition, the Council has a target of delivering 2,000 Council homes, with 1,000 of these programmed to be delivered by May 2022. Part of this target will be delivered through the Cardiff Partnership Programme, which has a target of delivering 1,500 homes in the next 10 years (600 of these will be council homes). To date 109 Council homes have been completed and a further 191 are currently under construction.
- 3.27. Away from the Strategic Sites, a wide range of percentages of affordable housing has been achieved on brownfield sites. Examples include Former Highfields Road Centre, Allensbank Road (24%), Briardene, North Road (23%), Former Wharf Pub, Atlantic Wharf (17%), Capital Quarter (20%) and Avenue Industrial Park (20%).
- 3.28. An issue which can be further assessed as part of the review process relates to the impact of viability factors undermining the ability of some sites/proposals to deliver either on-site provision or off-site contributions. Whilst the greenfield strategic sites allocated in the LDP with a clear Plan-led requirement to deliver provision have successfully met expectations, some brownfield windfall proposals are using viability evidence to justify a limited or zero provision (given the policy requirement is subject to viability considerations).
- 3.29. The review process will therefore allow a further analysis on need data, the most appropriate policy response, a thorough consideration of viability aspects and wider analysis of potentially suitable sites to meet the demand.

### **Gypsy & Traveller accommodation (H7)**

- 3.30. The Housing (Wales) Act 2014 requires each local authority in Wales to undertake a Gypsy and Traveller Accommodation Assessment to ensure that needs are properly assessed and planned for. An assessment was required to be submitted to Welsh Government by February 2016 with a statutory duty placed on local authorities to make provision for site(s) where an assessment identifies an unmet need.

- 3.31. The Cardiff Gypsy and Traveller Accommodation Assessment was formally approved by Welsh Government in 2016. In summary, the GTAA covers the period 2016-2026 and estimates the additional pitch provision needed for Gypsies and Travellers in Cardiff. For the first 5 years of the GTAA plan period, there is a requirement for 48 additional pitches, and for the remainder of the GTAA plan period, a further 24 additional pitch is required. This gives a total need for the whole GTAA plan period of 72 additional pitches.
- 3.32. Work is progressing the identification of sites to meet the evidenced need for permanent and transit Gypsy and Traveller sites. This has included discussions with the Welsh Government and work continues to secure appropriate outcomes. In terms of transit sites, it is considered that these would best be considered on a regional basis, requiring collaboration with neighbouring local authorities through the LDP revision process.
- 3.33. This issue will need to be given further consideration in the LDP revision process with a clear need for the process to demonstrate the ability to identify an appropriate level of need and how this will be met in terms of site allocation(s).

#### **Detailed housing policies (H2, H4-6)**

- 3.34. The plan review provides an opportunity to review these policies which concern changes of use of existing residential properties, conversions/redevelopment to residential use and the sub-division of residential properties.
- 3.35. Collectively, these policies provide the framework for managing an important aspect of housing supply in the city and can help deliver important brownfield contributions to supply in sustainable locations.
- 3.36. The review process allows a refreshed consideration of these policies to take into account changes in national planning policy, contextual changes, any changes in the LDP evidence base and monitoring of on-going Development Management decisions. In this respect, the issue of sub-divisions/conversions into HMOs and flats is a matter which is considered to warrant a detailed analysis in response to concerns regarding the cumulative impact of proposals on local communities and amenity considerations of occupiers and neighbours. Whilst additional SPG has been prepared, appeal decisions are not always supporting the Council's position so a review is considered timely.

#### **Employment (KP9, EC1-7)**

- 3.37. Local Development Plan Policy KP9: Responding to Evidence Economic Needs responds to Cardiff's role as the main economic driver in South East Wales and deliver the strategic aspirations for economic development in Cardiff and meet the demand for 40,000 new jobs over the plan period through the identification and protection of

employment land and premises and opportunities to deliver the key economic growth sectors.

3.38. The Local Development Plan's employment land is safeguarded for employment purposes, with Policies EC1, EC3 and EC4 and the future prosperity of the local economy is facilitated by ensuring that Cardiff can offer a range and choice of employment sites and premises for employment uses with the allocation of Cardiff Central Enterprise Zone (Policy KP2 (A)) and South of St Mellons Business Park (Policy KP2 (H)). In addition policy EC7 allows for employment proposals on land not identified for employment uses which provides an element of flexibility, should there be an additional demand for employment land over the plan period and which will satisfactorily enable businesses to locate within the County.

3.39. An analysis of monitoring indicators during the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019 shows continuing strong performance. Of particular importance is data regarding net job creation - There is a requirement for 40,000 new jobs over the plan period 2006-2026. 20,900 jobs were created between 2006 and 2015 and therefore the target for the remaining plan period is 19,100 jobs or 1,750 jobs annually. Since the first AMR (16/17) the number of jobs has been steadily increasing and the latest AMR shows an increase of 6,000 jobs since April 2018 which demonstrates that Policy KP1 is functioning effectively. Other findings include:

- The employment land permitted (hectares) on allocated sites as a percentage of all employment allocations is 2.4%, slightly higher than the previous 12 months. While the take up in terms of hectares would appear low, the schemes permitted are high density, high rise offices which have smaller land requirements.
- Office completions amounted to 39,726sq m largely attributable to completions within the Central Enterprise Zone. A further 42,652sq m of office floorspace is under construction and 49,328sq with planning permission which is not yet started.
- Although falling short of the annual target there have been a number of significant industrial completions, which includes 0.6ha for a new brewery production facility/head office at Pacific Business Park.
- There are a number of current planning permissions for industrial use including 16.5ha of land for a biomass power plant with industrial accommodation.
- The employment land lost to alternative uses has largely been as a result of uses which are considered complementary uses such as day nursery, gyms and small scale food and drink uses to cater for the needs of the workforce.
- Planning permissions have been granted on strategic sites at North West Cardiff, part of north east Cardiff and North West Cardiff, however, the employment elements of these residential led schemes are yet to be started. Pre application

dialogue is continuing with regard to the strategic employment site at St. Mellons Business Park which will inform a submission for consent in the near future.

3.40. Overall, the LDP policy review has found in general the Plan's employment policies are functioning effectively in enabling appropriate industrial and business development across the county. However as part of the revision process, consideration will need to be given to the economies of the future and their locational, sites and premises requirements, new labour force projections, an assessment of current employment land allocations and the identification of new employment land allocations. The Council's long term economic priorities and aspirations linked to the Cardiff Capital Region City Deal and Cardiff's Economic Strategy 'Building More and Better Jobs' will also need to be considered through the revision process.

### **Retail (Policies KP10, R1 to R8)**

3.41. Policy R1: Retail Hierarchy is the central component of the retail strategy and establishes the hierarchy of centres in line with national guidance and favours new and improved retail facilities within the Central Shopping Area and at an appropriate scale, within district and local centres, whilst seeking to control the amount, size and nature of out-of-centre retail.

- The latest annual retail survey indicates that:
- Central Shopping Area – vacancy rate is 10.7%
- District centre – vacancy rate is 10%
- Local centre – vacancy rate is 8%
- Vacancy rates in the Central Shopping Area and Local Centres have fallen since the 2017/18 AMR and are in line with national trends.

3.42. These average vacancy rates are below the Goad UK average 11.8%. This below average vacancy rate suggest that the LDP retail policies are functioning effectively and there is a reasonable balance between the supply of shop premises and occupiers demand for space within these centres. The presence of some vacancies within centres provides an opportunity for new businesses to enter the market, attracting investment and modernising vacant units.

3.43. A new Retail Study will be undertaken in order to inform the revised LDP. This study will provide an update of the retail expenditure forecasts for comparison and convenience retail for the County. The purpose of a new retail study will be to provide comprehensive data and information on the current performance of the retailing and commercial centres and to provide an up-to-date assessment of retail expenditure capacity within the County and identify capacity for comparison and convenience goods. This updated study will inform the Plan revision in terms of retail strategy, retail policies and LDP allocations. Wider work will also be undertaken in response to the current challenges faced by the High Street to inform the merits or otherwise of how future LDP policy can respond most effectively.

## Transport (KP8, T1-T9)

- 3.44. Data collected in relation to travel by sustainable modes is reflecting the fluctuations as shown in past trends over the last 10 years. This demonstrates that sustainable travel trends have continued to increase over the last 10 years for both work and shopping, although for leisure and education the trends show a slight decrease.
- 3.45. In terms of sustainable travel modes, significant progress has been made in meeting cycling targets for all journey purposes with cycling to work in particular having experienced substantial growth in the past one year period (+3.7%). Train use has very slightly declined over the past year for work and education but the 10 year trend shows a significant increase. Walking has increase over the last year for all journey purposes with a fluctuating longer term trend. Bus use has decreased for education, shopping and leisure, reflecting a longer term downward trend.
- 3.46. In accordance with Welsh Government Local Transport Plan (LTP) guidance (May 2014), Cardiff Council prepared a new Local Transport Plan (LTP) in 2015 which was approved by Welsh Government. The LTP replaces the 2010 South East Wales Regional Transport Plan (RTP) which informed the preparation of the adopted LDP. As directed by the guidance, the LDP is an update of schemes and priorities identified in the RTP.
- 3.47. In addition, the LTP reflects the requirements of the Active Travel (Wales) Act 2013 which places a duty on local authorities in Wales to continuously improve facilities and routes for pedestrians and cyclists, together with preparing maps identifying current and potential future routes. Cardiff has made good progress in advance of the Act through schemes to develop the city's Strategic Cycle Network and numerous pedestrian improvements. Recent increases in cycling trips demonstrate Cardiff's potential to become one of the UK's leading cycling cities. Any new or amended proposals for active travel routes and facilities, especially for walking and cycling may be considered for safeguarding through the LDP revision process where they are within a programme, supported by funding and likely to be delivered in the plan period.
- 3.48. The Council's Transport Strategy was agreed by Cabinet in October 2016 and brings together the proposals in the Local Development Plan and the Local Transport Plan. The purpose of this strategy is to:
- Raise awareness of Cardiff's transport challenges over the next 20 years
  - Highlight the main projects and actions which the Council proposes to undertake to tackle the challenges and increase sustainable travel in Cardiff
- 3.49. Consideration will also be given to the policy/land use implications of the Cardiff Capital City Region South East Wales Metro proposals in the Plan revision process.

The Metro proposals seek to improve transport connectivity across the region which is integral to achieving wider economic and social outcomes for South East Wales.

3.50. Overall, the direction of travel of the LDP policies is considered to be consistent with subsequent guidance produced at a national and local level. Indeed, the approach set out in the LDP for sustainable travel, modal shift and active travel are considered to become more fully embraced in national policy. The review process allows for the further development of this approach to maximise the way that sustainable travel can form part of the overall plan strategy.

#### **Environment (KP3 A&B, KP15-16, KP18, EN1-8, EN10-14)**

3.51. The effectiveness of Green Wedge and Settlement boundary policies has been monitored by the 3 AMR's produced to date and no applications for inappropriate development in the Green Wedge have been permitted and no applications were permitted outside the settlement boundary that did not satisfy policy, since the LDP was adopted. Given this it is considered that both these policies are functioning effectively. However, as part of the review of the plan a review of both the boundary of the Green Wedge and Settlement boundary will take place to ensure it takes account of changes in national planning policy and the evidence base for the plan.

3.52. The effectiveness of wider environment policies (EN1-8) has been monitored by the 3 AMR's produced to date and have shown that there has been no negative impact on Special Landscape Areas, Ancient Woodlands, SSSI's, SNCI's, and Natura 2000 and European designated sites. Given this it is considered that both these policies are functioning effectively. However, as part of the review of the plan a review of these policies will take place to ensure it takes account of changes in national planning policy, contextual changes and any changes in the LDP evidence base.

3.53. The effectiveness of natural resources policies (KP18, EN11, and EN13) has been monitored by the 3 AMR's produced to date and have shown that there has been no negative impact on water quality and quantity and the number of Air Quality Management Areas has not increased since the plan was adopted. Given this it is considered that both these policies are functioning effectively. However, as part of the review of the plan a review of these policies will take place to ensure it takes account of changes in national planning policy, contextual changes and any changes in the LDP evidence base.

3.54. The effectiveness of policies regarding climate change (KP15, EN10, EN12, EN14) have been monitored by the 3 AMR's produced to date and they have shown the policies are functioning effectively.

3.55. Monitoring for the flood risk policies shows that no applications for highly vulnerable development have been permitted in flood zone C2 and only 4 applications for highly vulnerable development have been permitted in flood zone C1, which didn't meet the flood risk criteria set out in TAN15. These applications related to the conversion and



extension of existing properties in the Canton and Riverside area of the city to flats and Natural Resources Wales had objected stating the depth of flooding at ground floor level would be greater than 600 metres and therefore did not meet the tolerable limits set out in TAN15 (Section A1.14). In determining these applications the Council considered that it would be unreasonable to refuse planning permission on this issue as the properties were already in residential use and surrounded by other residential properties with the same finished floor level. In addition it was noted that each flat unit has access to a first floor refuge and in both cases the applicant was made aware of the risk of flooding at the premises. Given this it is considered these four applications raise particular issues that need separate consideration and are not related to the performance of Policy EN14 which is functioning effectively as evidenced by the fact that flood risk has been considered.

- 3.56. However, as part of the review of the plan a review of these policies will take place to ensure it takes account of changes in national planning policy and the evolving evidence base relating to the links between climate change and flood risk in order to ensure the plan review responds to the climate change emergency.
- 3.57. In relation to Policy EN12: Renewable Energy and Low Carbon Technologies the LDP review found that since the adoption of the LDP a total of 6 schemes have been permitted.
- 3.58. In many respects, it is considered that there is relatively limited scope for renewable energy in Cardiff. Unlike some other local authorities in Wales, Cardiff has no Strategic Search Areas (TAN8) thereby restricting the potential for harnessing large-scale onshore wind power. With regards to other technologies, Cardiff is a relatively small area with much of its land already developed. Outside the urban areas, topography, environmental constraints plus relatively high land values constrain opportunities for medium-large renewable energy generation. There are however exceptions, within the former docklands two notable schemes are already in operation including an Energy Recovery Facility in Splott (30MW) and more recently a biomass plant in Tremorfa (2MW). Planning permission was also granted in June 2018 for a biomass plant at Rover Way (9.5MW) and just outside the current monitoring period in May 2019 for a 8.7 MW Solar Farm on the former Lamby Way tip. Also during the year 9 applications were granted planning permission which incorporated solar energy amounting to 0.52 MW in total.
- 3.59. However, significant contextual changes have occurred in relation to renewable and low carbon energy since LDP adoption which will need to be considered/addressed through the LDP review process. In addition, the Cardiff Renewable Energy Assessment (September 2013) informed the policies set out within the LDP. The new LDP will need to consider the revised Toolkit and address the additional requirements set out within it to produce a revised REA as evidence to support carbon reduction targets and mitigate the effect of climate change.

3.60. Overall, the plan review process will need to look beyond AMR reporting and the analysis of existing policy in response to the current declared Climate Emergency and wider evidence regarding the extent and magnitude of issues faced. The review process can explore the most appropriate policy response to this changed context.

### **Built Heritage (KP17, EN9)**

3.61. The effectiveness of these policies has been monitored by the 3 AMR's produced to date and have shown that all the relevant applications received on historic environment assets were considered to be policy compliant subject to conditions/recommendations placed on the permission. No applications were permitted with an outstanding objection from statutory heritage advisors. Given this it is considered that both these policies are functioning effectively. However, as part of the review of the plan a review of these policies will take place to ensure it takes account of changes in national planning policy, contextual changes and any changes in the LDP evidence base.

### **Masterplanning, design and infrastructure (KP4-7)**

3.62. The Materplanning Approach set out in KP4 (and delivered in a site-specific manner through Policies KP2 (A) to (H)) has proved very effective in providing an over-arching framework to ensure that Strategic Sites are delivered in a comprehensive manner; putting placemaking principles at the heart of new developments, and delivering necessary infrastructure in a timely manner. Policy KP5, alongside a series of new design supplementary planning guidance, has also proved effective in setting detailed criteria to secure high quality and sustainable design.

3.63. Changes to Planning Policy Wales (Edition 10) in 2018 are broadly consistent with this policy approach. The review process will provide the opportunity to further embed placemaking principles through good design, preservation of heritage assets, biodiversity and community infrastructure delivery within the planning policy framework.

3.64. LDP Strategic Policy KP6: New Infrastructure identifies that new development will make appropriate provision for, or contribute towards, the necessary infrastructure required as a consequence of proposed new development. LDP Strategic Policy KP7: Planning Obligations seeks contributions from developers towards the additional demands new development generates upon existing services, facilities, infrastructure and the environment, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits. This policy is delivered through the development management process.

3.65. Since 2009, the Council has secured £164 million in financial contributions from planning applications (see table 2 below). This figure does not include on-site works such affordable housing, green infrastructure, active travel and highway improvements. A significant proportion of these contributions are from the LDP strategic sites where detailed policies and the masterplanning approach have assisted in negotiating, securing and phasing infrastructure delivery in a comprehensive and timely manner.

**Table 2: Section 106 Financial Contributions secured 2009 to 2019**

<b>Year</b>	<b>Section 106 financial contributions secured (£)</b>
2009	2,057,283
2010	3,488,465
2011	8,331,659
2012	1,459,561
2013	5,779,325
2014	31,304,088
2015	12,555,008
2016	14,248,428
2017	77,470,070
2018	4,223,307
2019	3,204,329
<b>Total</b>	<b>164,121,524</b>

- 3.66. Contributions are secured through the use of planning obligations as set out in Section 106 of the Town and Country Planning Act 1990. Agreements can also be entered into under Sections 278 and 38 of the 1980 Highways Act. These prescribe the highway works required as a result of proposed developments.
- 3.67. The Council resolved on 18 September 2014 to commence work on a Community Infrastructure Levy (CIL) for Cardiff and consult on a Preliminary Draft Charging Schedule (PDCS). Following consultation on the PDCS in November/December 2014, a consultation on the Draft Charging Schedule (DCS) took place in September/October 2016. The next stage would have been to submit the DCS for Examination by an independent inspector. However, further stages in the preparation of a CIL for Cardiff were not actioned given impending changes to CIL governance outlined below.
- 3.68. In 2017, the Department for Communities and Local Government (DCLG) published a review of the Community Infrastructure Levy, entitled 'CIL Review: Report to Government', which recommended a series of changes to the process. CIL has now been devolved to the Welsh Government through the Wales Act 2017. The *Welsh Ministers (Transfer of Functions) Order 2018* also transferred the necessary executive functions to the Welsh Ministers to accompany devolution of the CIL. This came into force in May 2018.
- 3.69. The review process will provide a timely opportunity to consider if there is merit in progressing a CIL for Cardiff given the changes in context. For example, this could examine if there is scope for the CIL to secure monies from the type of sites and uses which are sometimes proving challenging to secure Section 106 monies due to viability

factors or policy thresholds. The CIL can apply to residential and non-residential developments, and may include smaller brownfield and non-strategic sites.

- 3.70. The extended plan period allows for a review of infrastructure requirements associated with growth, along with a parallel consideration of realistic policy expectations, development viability and alternative infrastructure delivery mechanisms.
- 3.71. Supplementary Planning Guidance on Planning Obligations to supplement Policies KP6 and KP7 has been prepared to ensure that developments contribute toward the provision of the necessary infrastructure and measures required to mitigate their impact and to provide clarity to developers, agents and other stakeholders regarding the basis on which planning obligations will be secured.
- 3.72. In addition the Cardiff Infrastructure Plan (IP) is updated on an annual basis and is a 'living document' which sits alongside Cardiff's Local Development Plan (LDP). It covers the plan period to 2026 and identifies the infrastructure required to facilitate and sustain the city's projected level of growth. The Infrastructure Plan is directly linked to the LDP Monitoring Framework and updated annually in order to effectively respond to changes in baseline information, procedures and legislation.
- 3.73. As part of the monitoring of LDP sites, a series of bespoke Strategic Monitoring Documents have been produced to monitor ongoing progress in terms of planning consents and infrastructure provision within each of the strategic sites.

### **Social and community (KP13-14, C1-7)**

- 3.74. It is considered that in general the Plan's open space policies are functioning effectively in safeguarding existing recreation facilities and public open space and in securing provision of new facilities in connection with new residential development in accordance with the adopted standards. However, as part of the revision process the implications of the findings of the latest open space survey, undertaken in May 2019 will need to be considered.
- 3.75. In addition the implications of the contextual changes to national planning policy set out in Planning Policy Wales (Edition 10, December 2018) will need to be considered together with new guidance produced by Fields in Trust in 2017, 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard.' This guidance, while retaining the same headline rates of provision as the original "Six Acre Standard", draws out new recommendations for accessibility, for flexible application of standards and the minimum dimensions of formal outdoor space. The revision of the guidelines also introduces benchmarking for informal open space not involving organised sport and play and includes parks and gardens and natural and semi-natural habitats. The amendments to the guidance do not result in a requirement to make modifications to current LDP standards as the TAN16 promotes evidence based locally generated standards. However, the revised recommended benchmark guidelines for both formal and informal outdoor space will be taken into account in the LDP revision process. The

Council is also moving away from an approach to recreation and open space provision based on strict compliance with predetermined standards. This is in accordance with LDP Green Infrastructure policies that encourage the multifunctional use of open space.

- 3.76. It is considered that policies regarding health are functioning effectively. However, as part of the review of the plan a review of these policies will take place to ensure it takes account of changes in national planning policy and the evolving evidence base setting out links between obesity and the built environment. Overall, the plan review process will need to look beyond AMR reporting and the analysis of existing policy in response to the increased evidence, which highlights the links between health and the built environment and seeks to favour the creation of more healthy and active environments. In particular, the review process can explore the links between obesity, health and well-being and healthy and active lifestyles and the built environment and consider the most appropriate policy response to this changed context.
- 3.77. It is considered that policies regarding the community (C1 to C3, C7) are functioning effectively. However, as part of the review of the plan a review of these policies will take place to ensure it takes account of changes in national planning policy and the evolving evidence base setting out links between obesity and the built environment.

#### **Waste (KP12, W1-2)**

- 3.78. The LDP Waste policies were prepared in the context of the South East Wales Regional Waste Plan (RWP) – First Review 2008. This set out land requirements for new waste management facilities, which were taken on board in the Policy W1: Sites for Waste Management Facilities, which identified sites that had potential for the location of waste management facilities – class B2 industrial sites and existing waste management sites. The monitoring report results for the last three years show that this policy is functioning effectively and there is sufficient land available to meet Cardiff's waste management needs.
- 3.79. RWPs, however, no longer have effect after a re-write of national planning policy on waste was needed to reflect the new waste policy context introduced through the EU Directive on Waste (2008/98/EC), the Waste Strategy for Wales, 'Towards Zero Waste', June 2010 and the underpinning suite of waste sector plans, in particular the Collections, Infrastructure and Markets Sector (CIMS) Plan. The general approach of the CIMS Plan has been to move away from land-take based calculations to an approach where the need for waste management facilities is expressed by future capacity in tonnes. As stated in Welsh Government Policy Clarification Letter CL-01-12, technology development has led to the potential for smaller, more dispersed facilities to be developed (more flexible, able to take advantage of niche opportunities). It has also led to the possibility of larger facilities being developed to reflect economies of scale and reduce expenditure by businesses and local authorities on the management of their residual waste. The end result of this is that it is now more difficult

to ascribe a value to an ‘average facility’ – and as such, area-based land-take calculations have become less applicable.

3.80. The CIMS Plan describes the waste management framework considered to provide the best solutions to meet environmental, social and economic needs in Wales to 2050. Waste assessments contained within the CIMS Plan do not have to be repeated by local planning authorities at a regional or local level. However, monitoring needs to be carried out through voluntary co-operation at a regional level to inform decision making in future LDPs and in dealing with planning applications for waste. The regional monitoring work has resulted in the first Waste Planning Monitoring Report (WPMR) for South East Wales (April 2016). This concluded that the regional position was:

- There is no further need for landfill capacity within the South East region.
- Any proposals for further residual waste treatment should be carefully assessed to ensure that the facility would not result in overprovision.

3.81. It appears, therefore, that there is no current need for residual waste facilities in Cardiff although PPW (Edition 10, paragraph 5.13.12) requires that the identification of suitable locations for sustainable waste management facilities should be considered as part of LDP preparation. PPW (paragraph 5.13.8) also requires that development plans should demonstrate how national waste policy, and in particular the CIMS Plan, along with any updated position adopted in the waste planning monitoring reports and any other form of waste management priorities relevant to its local area have been taken into account.

3.82. It is considered that the waste policies are functioning effectively. However, the review of the plan will need to ensure it takes account of changes in national planning policy and the evolving evidence base, including any changes to national recycling targets and the need for additional waste management recycling facilities over the extended plan period up to 2035.

### **Minerals (KP11, M1-8)**

3.83. LDP Minerals policies were prepared in the context of the Regional Technical Statement (RTS) 1<sup>st</sup> Review (August 2014), which was produced by the South Wales Regional Aggregates Working Party. A 2<sup>nd</sup> Review of the RTS is currently ongoing and following consultation is due to be finalised in March 2020. The monitoring of the Minerals policies set out in the three AMRs show that the policies are functioning effectively. However, the review of the LDP will need to consider the implications of the recommendations in 2<sup>nd</sup> Review of the RTS for the mineral strategy set out in the LDP along with any changes in current government guidance.

### **Supplementary Planning Guidance (SPG)**

3.84. A number of supplementary planning guidance (SPG) documents to support key LDP policy areas have been approved by the Council since adoption of the plan. These are:

- Houses in Multiple Occupation
- Waste Collection and Storage Facilities
- Locating Waste Management Facilities
- Planning Obligations
- Tall Buildings
- Residential Design Guide
- Childcare SPG
- Planning for Health and Well-being
- Infill Design Guidance
- Residential Extensions and Alterations Guidance
- Green Infrastructure (including Technical Guidance Notes relating to Open Space, Ecology and Biodiversity, Trees, Soils, Public Rights of Way and River Corridors)
- Safeguarding Business and Industrial Land and Premises
- Food, Drink and Leisure Uses
- Archaeologically Sensitive Areas
- Managing Transportation Impacts (including Parking Standards)
- Flat Conversions
- Student Accommodation
- Shop Fronts and Signs Guidance

3.85. A review of the existing SPG including ones recently amended and adopted will be undertaken as part of the LDP Revision process.

### **Proposals Map and Constraints Map**

3.86. The form and content of the LDP Proposals Map will require changes as part of the LDP Review to reflect any changes to the plan.

3.87. The LDP Constraints Map contains designations that are not directly proposals of the LDP but are constraints to development created by legislation or other mechanisms outside of the LDP process such as Flood Risk Areas, Conservation Areas, SSSI's, etc. The printed Constraints Map for the LDP represents a point in time and includes a number of designations particularly flood risk areas that have been updated since adoption of the LDP and therefore it is out of date. Going forward it is likely that the Constraints Map will be produced in an electronic form with public access that will allow for it be updated as necessary.

## 4. Future LDP Evidence Base Requirements

4.1. To inform the review of the LDP there will be a need to update various elements of the evidence base that informed the current Local Development Plan which is out-of-date and needs to be updated and/or replaced in order to fully understand the land use requirements of the City up to 2035 as well as taking into account any contextual or policy changes that have occurred since adoption of the plan. A sample of potential evidence base studies which may be required to inform the LDP include:

1. **Population and household forecasts** – to inform the LDP’s dwelling requirement up to 2035.
2. **Local Housing Needs Assessment** – to inform the housing requirement tenure type and size of dwelling to match future household type and age profile of the population.
3. **Gypsy and Traveller Accommodation Assessment** - to identify the need for permanent and transit pitches up to 2035.
4. **Transport Assessment** – to assess the impact of the scale and distribution of development detailed in the emerging Local Development Plan.
5. **Employment Land Review Update** – to assess the future need of employment land suitable for all employment sectors and regional employment aspirations.
6. **Retail Needs Assessment** – to identify if there is a requirement for additional floorspace to help inform the Council’s approach to manage the vitality and viability of city, district and local centres.
7. **Urban Capacity Study** – to quantify the amount of brownfield land which could contribute to the housing need in the city up to 2035.
8. **Settlement Boundary Review** – to define, clear, defensible boundaries around settlements in the form settlement boundaries.
9. **Affordable Housing Viability Assessment** – to provide advice on achievable and viable targets and thresholds for affordable housing.
10. **Infrastructure Requirements over the plan period** – to build upon existing Cardiff Infrastructure Plan and extend to cover proposed plan period.
11. **Renewable Energy Assessment** – evidence to support carbon reduction targets and mitigate the effect of climate change.



12. **Strategic Flood Risk Assessment** – to identify areas at risk of flooding.

13. **Green Infrastructure Data** – to identify relevant data regarding Cardiff's natural environment.

4.2 The above is not a definitive list and additional evidence base update requirements may emerge as plan revision progresses. There are number authorities in South-east Wales who are currently in the process of considering reviewing their Local Development Plans on the basis that their current plans expire at the end of 2021. This presents an opportunity for collaboration regarding the sharing of data and/or methodologies.

### **Sustainability Appraisal including Strategic Environment Assessment**

4.3 A requirement of the LDP process is that Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) informs preparation of the LDP. The SA/SEA process is integral to the development of the LDP to ensure the policies in the LDP promote Sustainable Development through integration of the key economic, environmental, social and cultural objectives in the development of the LDP policies and proposals and take account of any significant effects on the Environment. The SA/SEA has been an iterative process throughout preparation of the LDP and policies and proposals in the LDP reflect this.

4.4 SA monitoring of the Sustainability Appraisal Objectives is undertaken on an annual basis and reported through the LDP Annual Monitoring Report. This enables the Council to assess the extent to which the LDP is contributing to the achievement of sustainable development and to identify any concerns. To inform the review of the LDP it will be necessary to revisit and update the environmental, social and economic baseline information, along with the review of relevant plans policies and program. The SA Monitoring Framework including the SA Objectives will need to be reviewed to ensure this remains up to date, and this will include considering whether the methodologies need revising due to changes in legislation.

### **Habitats Regulations Assessment**

4.5 The LDP was informed by Habitats Regulations Assessment (HRA), the purpose of which is to assess the impacts of a land use plan, in combination with the effects of other plans and projects, against the conservation objectives of internationally important European sites of nature conservation importance such as Special Areas of Conservation and Special Protection Areas (designated for their ecological status) and to ascertain following screening what needs Appropriate Assessment (AA). As part of the review of the LDP the HRA will need to be reviewed.

## **5. The LDP Review options**

### **Joint LDPs and Joint Working**

- 5.1. In line with national guidance, consideration must be given to the scope for preparing a Joint LDP. However, it is noted that 7 of the 10 Local Authorities in South East Wales are already preparing their own Replacement LDPs with no examples of a joint approach or regional collaborative exercises to help inform Plans. Of the remaining 2 Local Authorities excluding Cardiff, the Vale of Glamorgan and Newport, it is not considered that there are sufficient synergies to warrant the preparation of a Joint LDP.
- 5.2. The existing LDP benefitted from a bespoke regional collaborative exercise to help inform the Plan strategy involving all Local Authorities and other key stakeholders in South East Wales. This process worked well and is considered the most effective way of addressing cross-boundary matters. Given this a similar approach is proposed again to help inform the LDP review.
- 5.3. Should work commence on a Strategic Development Plan (SDP) for South East Wales, information gathered through the LDP process can be used to inform the SDP and vice versa. Ongoing dialogue with other Local Authorities will help maximise efficiencies and consistency with regard to gathering/sharing evidence and agreeing methodologies where possible. Ongoing dialogue with other Local Authorities will help maximise efficiencies and consistency with regard to gathering/sharing evidence and agreeing methodologies where possible.

## **6. Conclusions and next steps**

### **Recommendation**

- 6.1 This report concludes that the full revision procedure is considered the most appropriate form of review and that a Replacement LDP is prepared for the period 2020 to 2035. In this respect, it is recognised that the strategic nature of issues to be addressed in a replacement LDP cannot justify the short form revision procedure. This will ensure the Council has up-to-date Plan coverage beyond 2026 and supports the Plan-led approach in Wales.

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# Cardiff Replacement LDP Delivery Agreement

March 2020



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# PART 1: INTRODUCTION

## The purpose of this Delivery Agreement

- 1.1 The Cardiff Local Development Plan (LDP) was adopted by the Council on the 28<sup>th</sup> January 2016. An up to date LDP is an essential part of the plan-led planning system in Wales. In this respect the Council is required to undertake a full review of the adopted LDP every four years from the date of adoption.
- 1.2 A full review of the Cardiff Local Development Plan 2006-2026 has been undertaken, the findings of which are set out in the Draft Review Report. The revised LDP will cover the period 2020-035. The preparation of a Delivery Agreement is a key requirement in the preparation of a revised LDP. The Delivery Agreement must include:
  - A **Community Involvement Scheme (CIS)** - indicating how the Council will involve consultation bodies and the public in plan preparation; and
  - A **Timetable** for preparing and adopting the LDP, and for preparing and publishing the sustainability report, the Annual Monitoring Report and supplementary planning guidance (SPG).
- 1.3 The Delivery Agreement is an important part of the plan preparation process. It indicates how and when the Council will provide opportunities for consultees and the local community to be involved in the process, as set out in relevant legislation, regulations and Welsh Government guidance. Delivery of the plan in accordance with the Agreement will be one of the tests of the plan's soundness examined by the Planning Inspectorate (see paragraph 1.26). Part 3 of this document contains details of the proposed plan preparation timetable and Appendix B contains a flow chart summarising the main stages of preparation.
- 1.4 This Agreement has been prepared in accordance with Welsh Government regulations and guidance, including:
  - The Town and Country Planning (Local Development Plan) (Wales) Regulations 2015; and
  - The Local Development Plan Manual (Edition 2, 2015).
- 1.5. The LDP Regulations require that, before formally approving and submitting a Delivery Agreement to the Welsh Government, the Council must:
  - Consult specific consultation bodies (see Appendix A) in the preparation of the timetable; and
  - Engage with those general consultation bodies who appear to have an interest in development matters in Cardiff, in the preparation of the community involvement scheme. The general consultation bodies to be consulted on this draft Agreement are identified in Appendix A



1.6. Any comments on this draft document should be sent to the below address by **18<sup>th</sup> February 2020**:

**Email:** [LDP@cardiff.gov.uk](mailto:LDP@cardiff.gov.uk)

**Tel:** 029 2087 2087

**Post:** The Development Plan Team Cardiff  
Council,  
Room 219, County Hall, Atlantic  
Wharf, Cardiff CF10 4UW

### **What will happen next?**

1.7. Following this consultation, the Council will:

- Analyse responses, review the draft Agreement making any changes considered necessary and formally approve at Full Council prior to submission to the Welsh Government;
- Make available its analysis and response to the consultation responses on the Council web site.

1.8. Following approval from the Welsh Government, the Delivery Agreement will be published on the Council's website and made available for inspection at County Hall.

### **Preparation of the Replacement LDP**

1.9. The 2004 Planning and Compulsory Purchase Act (as amended by the 2015 Planning (Wales) Act) requires the Council to prepare a replacement LDP setting out its objectives for the development and use of land in Cardiff over the Plan period (2020 to 2035) and its policies to implement them. This period allows 12 years to implement the Plan following proposed adoption in 2023, thereby according with Welsh Government guidance on the duration of the Plan. The aims of the Plan are to:

- Deliver sustainable development;
- Reflect local aspirations for the City, based on a vision agreed by the local community and other stakeholders;
- Provide a basis for rational and consistent development control decisions;
- Guide growth and change, while protecting local diversity, character and sensitive environments; and
- Show how and where change will occur over the plan period.

1.10. In preparing the replacement LDP, the Council must also take account of:

- A wide range of legislation, policies and other initiatives, at European, national and local levels of government; and
- Relevant social, economic and environmental considerations.



1.11. The 2004 Act (as amended by 2015 Act requires the Council), in preparing the LDP, to have regard to:

- Current national policies;
- Strategic Development Plan for the area
- The National Development Framework for Wales; and
- The resources likely to be available for implementing plan.

1.12. The principal sources of national planning policy and guidance issued by the Welsh Government are:

- Planning Policy Wales (Edition 10, December 2018);
- Technical Advice Notes (Wales) (TANs) (various dates);
- Minerals Technical Advice Note (Wales) 1: MTANS (various dates);
- Local Development Plan Manual (WG, Edition 2, 2015).

### **Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA) and other related assessments**

1.13. The LDP must be subject to Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) as required European Union Directive 2001/42/EC & Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 and the Planning and Compulsory Purchase Act 2004 (as amended by the by 2015 Act). The SA/SEA will be an Integrated Sustainability Appraisal will also include an assessment of health and equality impacts.

1.14. These are tools to ensure that policies in the LDP reflect sustainable development principles and take into account the significant effects of the plan on the environment. The Council will adopt an integrated approach to the appraisal and assessment in which economic and social issues are considered alongside environmental elements.

1.15. Guidance on how SA/SEA should be undertaken is provided in:

- The Assessment of Plans and Programmes (Wales) Regulations 2004 (“the SEA Regulations”);
- A Practical Guide to the Strategic Environmental Assessment Directive (September 2005)<sup>1</sup>;
- Local Development Plan Manual (Edition 2, 2015).

1.16. SA/SEA is an iterative process that will be undertaken throughout plan preparation. There will be six key stages:

- Establish policy context, identify and document evidence base, identify sustainability issues and develop SA/SEA objectives and indicators;
- Consult Specific consultees on Scoping Report;
- Publish SA Report of Strategic options and Preferred Strategy;
- Publish Deposit SA Report including Environmental Report (with LDP);
- Publish the final SA report following the Inspectors Report and adoption;
- Monitoring and implementation of the SA.

1.17. At the outset of the SA/SEA process, there will be an opportunity for stakeholders to comment on the SA Scoping Report that sets out how the SA/SEA process will be undertaken. The findings of the SA/SEA work will be evidenced at key stages in the Replacement LDP preparation process; Reports will be prepared, and subject to consultation with stakeholders, in parallel with the Preferred Strategy consultation and Deposit Plan consultation. A Final SA Report will be submitted along with all other Replacement LDP documentation when submitted to Welsh Government for examination. The statutory Environment Bodies will be consulted at all the stages referred to above and there will be wider on-going dialogue with these bodies as the process proceeds.

1.18. In addition to the SA/SEA processes, the Council will also undertake a Habitat Regulation Appraisal (HRA) of the Replacement LDP as it is being prepared.

### **Habitats Regulations Assessment (HRA)**

1.19. The requirement for Habitats Regulations Assessment (HRA) comes from the Habitats Directive, specifically Article 6(3), which requires that land use plans, including LDPs, are subject to a HRA Screening to determine whether any plan [or project] is likely to have a significant effect upon a European site, either alone, or in combination with other projects. In Wales, requirements for HRA, including for proposed modifications to existing plans, are set out within Part 6 of the Conservation of Habitats and Species Regulations 2017 and Part 2 of the Conservation of Offshore Marine Habitats and Species Regulations 2017.

1.20. The HRA process follows a series of Stages; these will be undertaken for the LDP Review, as necessary, to meet with the requirements of the Regulations:

- **Stage 1 - HRA Screening:** to determine whether the LDP Review is likely to have significant effects on European Sites;
- **Stage 2 – Appropriate Assessment:** If the HRA Screening indicates that the LDP Review is likely to have significant effects, a further level of assessment is needed to consider whether the LDP Review could adversely affect the integrity of one or more European site(s), either alone or in combination with other plans or projects, in view of their established conservation objectives and conservation status. If the potential for adverse effects on site integrity are identified, the Appropriate Assessment should also consider mitigation measures to control the identified impacts, to avoid adverse effects on site integrity; and
- **Stage 3 and 4 – Consideration of Alternatives and Imperative Reasons of Overriding Public Interest:** Only where significant effects remain at the end of Stage 2 in the HRA process is there a need to consider alternatives and Imperative Reasons of Overriding Public Interest.

1.21. The HRA process will be undertaken in conjunction with the SA (incorporating SEA) to ensure an integrated approach to assessment. It is intended that the process will run concurrently with the plan making process and form an iterative part of the LDP Review, involving the consideration of all emerging policy and site options. Natural Resources Wales will be consulted throughout the HRA process.

## **Evidence Base Assessments**

1.22. To inform the review of the LDP there will be a need to update various elements of the evidence base that informed the current Local Development Plan which is out-of-date and needs to be updated and/or replaced in order to fully understand the land use requirements of the City up to 2035 as well as taking into account any contextual or policy changes that have occurred since adoption of the plan. A sample of potential evidence base studies which may be required to inform the LDP include:

1. **Population and household forecasts** – to inform the LDP’s dwelling requirement up to 2035.
2. **Local Housing Needs Assessment** – to inform the housing requirement tenure type and size of dwelling to match future household type and age profile of the population.
3. **Gypsy and Traveller Accommodation Assessment** - to identify the need for permanent and transit pitches up to 2035.
4. **Transport Assessment** – to assess the impact of the scale and distribution of development detailed in the emerging Local Development Plan.
5. **Employment Land Review Update** – to assess the future need of employment land suitable for all employment sectors and regional employment aspirations.
6. **Retail Needs Assessment** – to identify if there is a requirement for additional floorspace to help inform the Council’s approach to manage the vitality and viability of our city, district and local centres.
7. **Urban Capacity Study** – to quantify the amount of brownfield land which could contribute to the housing need in the city up to 2035.
8. **Settlement Boundary Review** – to define, clear, defensible boundaries around settlements in the form settlement boundaries.
9. **Affordable Housing Viability Assessment** – to provide advice on achievable and viable targets and thresholds for affordable housing.

10. **Infrastructure Requirements over the plan period** – to build upon existing Cardiff Infrastructure Plan and extend to cover proposed plan period.
11. **Renewable Energy Assessment** – evidence to support carbon reduction targets and mitigate the effect of climate change.
12. **Strategic Flood Risk Assessment** – to identify areas at risk of flooding.
13. **Green Infrastructure Data** – to identify relevant data regarding Cardiff's natural environment.

1.23. The above is not a definitive list and additional evidence base update requirements may emerge as plan revision progresses. There are number authorities in South-east Wales who are currently in the process of considering reviewing their Local Development Plans on the basis that their current plans expire at the end of 2021. This presents an opportunity for collaboration regarding the sharing of data and/or methodologies.

### **Well-being of Future Generations Act**

1.24. The Well Being of Future Generations (Wales) Act (WBFG) gained Royal Assent in April 2015. The Act aims to make a difference to lives of people in Wales in relation to seven well-being goals and also sets out five ways of working. The seven well-being goals relate to:

- a prosperous Wales;
- a resilient Wales;
- a healthier Wales;
- a more equal Wales;
- a Wales of cohesive communities;
- a Wales of vibrant culture and Welsh language; and
- a globally responsible Wales.

1.25. The five ways of working are long-term, integration, involvement, collaboration and prevention. Given that sustainable development is the core underlying principle of the LDP (and SEA); there are clear associations between both the LDP and the WBFG Act. As a requirement of the Act a Local Well-being Plan (LWBP) must be produced. This plan will look at the economic, social, environmental and cultural well-being of the county and will have clear links with the LDP. Both the WBFG Act and the LWBP will be considered fully throughout the preparation of the revised LDP, which will follow the five ways of working.

### **Independent examination of soundness**

1.26. When the Council has finalised its plan, it must place it on deposit for public inspection and the submission of representations, and then submit it to the Welsh Government for examination by an Inspector appointed by the Welsh Government. The examination of the Replacement LDP is an independent process for determining whether the plan is fundamentally sound. Having regard to the evidence submitted with the plan and the representations received at deposit, the inspector must determine whether the plan meets the following 3 tests of soundness set out in guidance issued by the Welsh Government and the Planning Inspectorate:

- Test 1 – Does the plan fit? (i.e. is it clear that the Replacement LDP is consistent with other plans?);
- Test 2 – Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?);
- Test 3 – Will the plan deliver? (i.e. is it likely to be effective?).

1.27. Following the examination the Inspector will produce a report recommending required changes to the Replacement LDP together with reasons for the changes. The report will focus on the issue of whether the Replacement LDP is sound and if an Inspector considers the plan is fundamentally unsound the Plan will not be recommended for adoption. The conclusions reached by the Inspector will be binding and unless the Welsh Government intervenes, the Council must accept the changes required by the Inspector and adopt the Replacement LDP as amended.

### **Supplementary Planning Guidance (SPG)**

1.28. The replacement LDP will contain sufficient policies to provide the basis for determining planning applications. However, SPG has an important supporting role in providing more detailed or site specific guidance on the way in which Replacement LDP policies will be applied. These are non statutory documents intended to expand upon the policies and proposals in the Replacement LDP. They cannot introduce new policy and are not the subject of independent examination but will undergo public consultation.

1.29. The need for any new or revised SPG (related to existing Local Development Plan policies) as the Replacement LDP is being prepared will be considered on its merits having regard to the need for new guidance together with the adequacy of the existing policy framework as set out in the Local Development Plan and contained in national guidance. In such cases, the SPG will be subject to its own consultation process.

1.30. Consultation with stakeholders as the LDP is prepared may reveal the need for new SPG to be produced that directly relates to the Replacement LDP. In such cases, it is intended that public consultation on the SPG would be undertaken in parallel with wider Replacement LDP engagement. Stakeholders will be kept informed of any such consultations.

1.31. SPG relating to proposed policies contained in the Replacement LDP cannot be formally adopted until after the Inspector's binding report has been received on the Replacement LDP and it is clear that there is no change to the policy approach.

### **Monitoring and Review**

1.32. The Council will monitor and regularly review progress of the replacement LDP against the requirements of the Delivery Agreement to ensure the timetable is being kept to and the public engagement as set out in the CIS is being met. Any amendments to the DA will require approval by the Council prior to Welsh Government agreement. The DA may need to be amended if the following circumstances, which are beyond the LPA's control, occur during the preparation of the revised LDP:

- Significant change to the resources available to undertake preparation of the revised LDP.
- Preparation of the revised LDP falls behind schedule i.e. more than 3 months.
- Significant changes to European, UK or Welsh legislation directly affecting the revised LDP preparation process.
- Any other change in circumstances that will materially affect the delivery of the revised LDP in accordance with the DA.
- Significant changes to the Community Involvement Scheme.

1.33. An updated timetable will be submitted to the Welsh Government following the Deposit stage. This will provide certainty of the timescales for the remaining stages (i.e. replacing indicative stages with definitive stages). The indicative timetable will be redefined within 3 months of the close of the formal Deposit period and submitted to the Welsh Government for agreement.

## PART 2: THE COMMUNITY INVOLVEMENT SCHEME (CIS)

### Aims of the scheme

- 2.1. The LDP Regulations require the Council to work in partnership with a wide range of stakeholders in preparing the LDP, including specific and general consultation bodies (see Appendix A) and the general public.
- 2.2. This CIS indicates how and when the Council will provide opportunities for everyone with an interest in the Cardiff LDP to be involved in its preparation. In so doing, the aim is to build as much consensus as possible concerning the overall strategy of the plan.

### Principles and methods of community engagement

- 2.3. The following consultation principles will guide the Council's approach to involving the local community and other stakeholders in preparation of the LDP:
  - **Commitment** – The Council will provide opportunities for the whole community to engage at appropriate stages in the process.
  - **Inclusiveness** – The Council will encourage the active participation of everyone who has an interest in, or who may be affected by, the LDP.
  - **Appropriateness** – The Council will seek to engage the community through the most appropriate methods as determined through consultation on this document.
  - **Transparency and accessibility** – The Council will make publicly available all relevant information available to it and undertake engagement in a transparent and open way.
  - **Accountability** – The Council will publish the results of community engagement and seek to ensure that all stakeholders are informed of the outcome of their involvement.
  - **Productivity** – The Council will seek to use consultation and community engagement to secure as much consensus as possible on the content of the LDP.
  - **Realism** – The Council will seek to ensure that all parties involved in the process understand and remain realistic about what can be achieved within the context of relevant legislation, Welsh Government guidance, and resources available.
- 2.4. The Council intends to build as much consensus as possible during the LDP preparation process and hopes that all parties will actively engage from the outset. Paragraphs 2.5 to 2.7, give a broad outline of some of the key methods that will be used whilst paragraphs 2.14 to 2.32 outline the main stages of the LDP preparation process together with a summary of opportunities for involvement at each stage. Appendix C contains a table that summarises how the Council intends to undertake community engagement and consultation up to the deposit stage. The Agreement will be reviewed within 3 months of deposit of the LDP and appropriate engagement from deposit to adoption will be included in that review.

- 2.5. Information will be regularly updated on the Council's website. Copies of the Preferred Strategy and Deposit Plan will also be made available at all libraries during the formal consultation periods. It will be possible to make representations in an electronic format (the preferred format) and also in writing. Efforts will be made to make the consultation processes as clear and accessible as possible. Staff will be available on weekdays during normal office hours to deal with any queries and can be contacted as set out below:

**LDP Team Room**  
**Room 219, County Hall,**  
**Atlantic Wharf, Cardiff CF10 4UW**  
**Tel. 029 2087 2087**  
**Email: [LDP@cardiff.gov.uk](mailto:LDP@cardiff.gov.uk)**  
**Website Address: [www.cardiff.gov.uk](http://www.cardiff.gov.uk)**

- 2.6. Whilst the Council is providing a wide range of opportunities to access information and become involved in the LDP process, there are clearly resource limitations to the extent of engagement that is possible. Additionally, it is important that all consultees are dealt with in a fair and equal manner. Taking account of both of these points, it is not proposed that Officers attend meetings organised by individual groups. However, it is stressed that Officers are available throughout the process, as outlined above, and consultees are strongly advised to use this facility should information or advice be required.
- 2.7. The following list provides a summary of the expectations of consultees during the Replacement LDP preparation process:
- A commitment to the process including consensus building
  - To raise legitimate land use issues
  - To engage in the debate with an open mind
  - All parties to submit the appropriate level of information as specified
  - Responses made within prescribed periods
  - To treat Officers with due respect
  - If in any doubt about the process, to contact the LDP Team for advice

## **Feedback**

- 2.8. The Council will ensure that feedback is provided as soon as possible on the outcome of engagement and consultation throughout the plan preparation process.
- 2.9. Feedback from the Council relating to consultation exercises will take the following forms:
- Acknowledgement letter or e-mail providing contact details and detailing how the Council will deal with the representation
  - Details of the next steps in the plan preparation process



- 2.10. Petitions received during consultation on the plan will be acknowledged by letter or e-mail to the presenter of the petition only. This will include contact details and set out how the Council will deal with the issues raised in the petition. Specific guidance on the scope and procedures when using petitions will be established and made available prior to each formal stage of consultation.

### **Council decision-making process and local elected member involvement**

2.11. Decisions on the plan and its proposed content will be made by the full Council normally with recommendations from the Cabinet. The Cabinet and Council meet each month. The Council has established a Corporate Officer LDP Working Group to assist preparing the LDP in accordance with the timetable.

2.12. The Council will establish an on-going Scrutiny process that will evidence its findings to the Policy Review and Performance Committee. Individual Members of Council will be consulted in the preparation of this Agreement and will continue to be consulted throughout the plan preparation process.

### **Use of Welsh language**

#### **Welsh Language and Bilingual engagement**

2.13. The Welsh Language Standards place a legal duty on Councils to make it easier for people to use services through the medium of Welsh. The Council has published a Welsh Language Strategy for 2017 – 2022, the requirements of both the corporate strategy and Welsh Language Standards will be maintained at each stage of the revised LDP. Bilingual engagement will be carried out in the following ways:

1. We welcome correspondence in both Welsh and English. Where correspondence is received in Welsh and a reply is necessary, this will be sent in Welsh;
2. All consultation letters, comments forms, public notices (including site notices) and newsletters will be bilingual;
3. Any pages on the Local Development Plan website and social media posts published on twitter will be bilingual;
4. Any public meetings will be conducted bilingually where a request has been made ahead of time. Prior notification is required in order to provide a translation service; and
5. Draft documents can be made available in Welsh if requested. The revised LDP once adopted will be available in both Welsh and English Format.

## **Key stages of plan preparation and opportunities for involvement**

2.14. The LDP Regulations set out the legal requirements for participation and public consultation in plan preparation. This Section provides more details on how stakeholders can become involved in the different stages of preparing Cardiff's LDP. Information will be constantly updated on the Council's website and any events or consultations will be mailed out to all consultees including formal notices in the local press when required.

### **Stage 1: The Delivery Agreement (Jan 2020 to March 2020) (Reg 9)**

2.15. Summary: Securing wider involvement in preparation of document that sets out the timetable for preparing the LDP and how stakeholders can become involved in the process. Opportunities for involvement include Consultation on Draft Delivery Agreement during January and February 2020.

### **Stage 2: Evidence base - (Dec 2019 – June 2022) (Reg 14)**

2.16. Summary: Before the Council can develop the strategic objectives that will form the framework of the LDP it is essential for it to have a clear understanding of the dynamic social, environmental and economic characteristics and issues that exist within Cardiff. Therefore the Council will collect data to review and develop the evidence base. The overall Evidence Base will be an extensive collection of data from across all relevant topics. New studies will be commissioned and new data collected where necessary to ensure that the evidence database is as comprehensive as possible. The evidence base will inform the Sustainability Appraisal. New evidence that comes to light at later stages of Plan preparation will be assessed and appropriate response made.

2.17. As part of the preparation of the evidence base the Council will invite developers and landowners to submit candidate development sites for potential inclusion in the plan. This forms part of an information gathering exercise and should not be interpreted as a commitment that such sites will be taken forward in the LDP. When putting forward such sites developers and landowners will be required to include sufficient information to allow a robust assessment of the site to be made.

2.18. As part of the Council's duty to undertake a SA and SEA of the Plan a SA Scoping Report will be prepared and consulted on setting out:

- The economic, social and environmental issues and objectives the Council proposes to address in helping to deliver sustainable development through the LDP; and
- The proposed framework by which the strategic options and detailed policies and proposals of the LDP will be appraised.

2.19. Opportunities for involvement (during 2020) include:

- Candidate Site submissions
- Consultation on SA Scoping Report

### **Stage 3: Preferred Strategy (Regs. 14/15)**

#### **Pre- Deposit participation (March 2020- Sept 2021) (Reg 14)**

2.20. Summary: In accordance with Regulation 14 the Council will engage with the Specific and General Consultation Bodies (listed in Appendix A) during the preparation of the Preferred Strategy. Engagement will focus upon vision/objectives, evidence/issues and alternative strategies and options. This will provide an early opportunity for dialogue ahead of the Preferred Strategy being prepared.

#### **Pre-Deposit consultation (Oct 2021 – Nov 2021) (Regs. 15)**

2.21. Summary: This stage will include statutory consultation on the Preferred Strategy and strategic locations for new development and accompanying SA Report (statutory 6 week period).

2.22. Opportunities for involvement:

- Consultation on Preferred Strategy
- Consultation on Initial SA report

#### **Stage 4: LDP Deposit of proposals (Dec 2021 – Nov 2022) (Reg 17)**

2.23. Summary: In formulating this document the Council will pay due regard to the foregoing consultation exercises and stakeholder engagements when drafting policies and identifying sites.

2.24. The Deposit Plan will be subject to statutory consultation for a period of six weeks to allow representations to be made by any stakeholder. Any representations received as a result of the consultation exercise will be made available for public inspection and on the Council's web site. The documents to be published at this time will comprise the Deposit LDP, the SA Report (incorporating the SEA Environmental Report), a list of supporting documents and the initial consultation report.

2.25. Opportunities for involvement:

- Consultation on Deposit LDP
- Consultation on Final SA Report

#### **Stage 6: Submission of LDP to Welsh Government (March 2023 (Indicative)) (Reg 22)**

2.26. Summary: At this stage the Council is required to submit the Deposit Plan, Sustainability Appraisal Report, Community Involvement Scheme, copies of all representations received, key supporting evidence, the Consultation Report, the report on the LPA's suggested changes and a Statement of the main issues to the WG and the Planning Inspectorate. Following this submission an Inspector will be appointed to examine the Deposit Plan to determine whether it satisfies

the preparation requirements of the 2004 Act and whether it is "sound" (section 64(5) of the 2004 Act refers). The examination will also consider representations including objections that have been made in accordance with the LDP Regulations.

2.27. Opportunities for involvement:

- Once submitted, the examination process will be undertaken by an Independent Inspector. A Programme Officer working for the Inspector will provide the first point of contact to stakeholders. Information will be made available on the forthcoming examination process.

**Stage 7: Independent examination (March 2023 to Sept 2023 (Indicative)) (Reg 23)**

2.28. Summary: The Council will enter into a Service Level Agreement with the Planning Inspectorate prior to the Submission of the Deposit LDP. The Planning Inspectorate has indicated that the Independent Examination and the production of the Inspector's Report should take no more than 12 months.

2.29. Opportunities for involvement:

- Arrangements for public participation in the examination process will be advertised nearer the time (at least 6 weeks before the opening of the examination).

**Stage 8: Inspector's report (Sept 2023 (Indicative)) (Reg 24)**

2.30. Summary: Once the Inspector is satisfied that no further information is necessary to inform their consideration of the Plan, he/she will publish a report outlining the examination's findings, together with any changes to the Deposit Plan and reasons for those recommendations. The Inspector's decisions will be binding upon the Council. The aim of the Independent Examination is to ensure that the Plan is at a stage where it is sound and can be safely adopted. It follows therefore that any changes made by the Inspector must themselves be demonstrably sound.

**Stage 9: Adoption (Oct 23 (Indicative)) (Reg 25)**

2.31. Summary: On receipt of the Inspector's Report, following a fact checking period, the Council is required to adopt the final LDP incorporating the Inspector's recommendations within 8 weeks, unless the Welsh Government intervenes. On or before the day on which the LDP is adopted, the Council will publish the Inspector's Report and make it available for inspection and to view on Council's web site ([www.cardiff.gov.uk](http://www.cardiff.gov.uk)). The Local Development Plan will become operative on the date it is adopted, and final publication of the Plan should follow as soon as possible (after the expiry of the six-week legal challenge period).

## **Stage 10: Monitoring (Oct 24 Indicative)**

2.32. The Planning and Compulsory Purchase Act requires authorities to keep under review matters that may affect the planning and development of their areas. In this regard, the Council will establish monitoring procedures in accordance with guidance contained within the LDP Manual and will produce an Annual Monitoring Report for submission to the Welsh Government by the 31st October each year

## PART 3: THE TIMETABLE

3.1 Table 1 outlines the Council’s proposed timetable for achieving the key stages of LDP preparation required by the Planning and Compulsory Purchase Act 2004 and the LDP Regulations.

<b>Definitive</b>		<b>From</b>	<b>To</b>
1	Delivery Agreement – Consultation and submission to Welsh Government	Jan 2020	March 2020
2	Evidence Base Preparation	Dec 2019	June 2022
3	Pre-Deposit Participation Candidate Site submission and appraisal Consultation on SA Scoping Report Vision/Objectives/growth levels and spatial options	March 2020	Sept 2021
4	Preferred Strategy and Initial SA Report Consultation – six weeks statutory consultation	Oct 2021	Nov 2021
5	Deposit Plan and Final SA Report Consultation – six weeks statutory consultation	Oct 2022	Nov 2022
<b>Indicative</b>		<b>From</b>	<b>To</b>
6	Submission to Welsh Government	March 2023	
7	Examination	March 2023	Sept 2023
8	Inspectors Report	Sept 2023	
9	Adoption by Council	October 2023	
10	Annual Monitoring Report	October 2024	

### Definitive and Indicative Stages

3.2. Stages 1-5, leading up to and including deposit, are under the direct control of the Council, which will make every effort to adhere to this part of the timetable (see paragraphs 2.15-2.25).

- 3.3. The Council has less control over the process at Stages 6-9, which are dependant on a range of factors including the number of deposit representations and the requirements of the Independent Examination. The timetable for these stages is, therefore, at present indicative.
- 3.4. The LDP Regulations clarify that, within 3 months of the close of deposit, the timetable (i.e. the indicative stages) will need to be reviewed and resubmitted once the Council has entered into a Service Level Agreement with the Planning Inspectorate.

### **Achievability and risk management**

- 3.5. The definitive part of the proposed timetable is considered to be realistic and achievable having regard to:
- The scope of work the Council understands to be involved in plan preparation, having regard to the regulations and guidance published by the Welsh Government;
  - The resources (essentially staff and revenue) the Council is able to commit to plan preparation;
  - The current structure of the Council, its decision making structures, meeting cycles and future elections.
- 3.6. While every effort will be made to avoid deviation from this timetable, Appendix D identifies a number of potential risks, together with the Council's proposed approach to managing them.

### **Resources**

- 3.7. In terms of staff resources, there is a small team of officers in the Council's Strategic Planning Section dedicated to LDP preparation. In addition a range of other officers in that section as well as in other Service Areas will also be involved in various aspects of plan formulation including SA and SEA.
- 3.8. If necessary, to supplement its own resources, the Council may employ consultants to undertake appropriate work and advise on the Sustainability Appraisal and Strategic Environmental Assessment of the plan.

## **PART 4: MONITORING AND REVIEW**

### **Delivery Agreement**

- 4.1. The Council will monitor progress against the Delivery Agreement throughout preparation of the LDP, to ensure that the aims and principles of the Community Involvement Scheme (CIS) are met in line with the target timetable. Where necessary reports will be made to the Council's Cabinet.
- 4.2. Circumstances in which the Agreement may need to be reviewed and amended include:
- If the process falls 4 months or more behind schedule;
  - If any significant changes are required to the CIS;
  - If there is significant change in the resources available to the Council;
  - If new European, UK or Welsh Government legislation, regulations or guidance should require new procedures or tasks to be undertaken; or
  - If any other change of circumstances should materially affect the delivery of the plan in accordance with the Agreement.
- 4.3. Should the Agreement require review prior to or after the indicative stage review (outlined below) a revised Agreement will be sent to the Welsh Government for agreement. Once agreed this will be made available on the Council's website.

### **LDP Post-adoption**

- 4.4. After it has been adopted the Council will monitor the plan on an annual basis and report the findings in an Annual Monitoring Report (AMR). Future reviews or amendments to the plan, will go through the same stages of preparation as the original plan and within 6 months of the decision to undertake a review the Council will publish a timetable for review of the plan. The Council will also apply the general principles outlined in the CIS when it reviews and carries out any amendments to the plan. A full review of the plan will be undertaken at least once every 4 years.



## **APPENDIX A: CONSULTATION BODIES**

### **Internal Consultees**

To be consulted at all stages in the preparation of the LDP

- Cardiff County Councillors
- Cardiff Council Service Areas

### **External Consultees**

#### **Specific Consultation Bodies**

The Council will consult the following specific consultation bodies at all stages in the preparation of the LDP:

- Welsh Government
- Natural Resources Wales
- CADW
- Network Rail Infrastructure Limited (Western & Wales) – Property)
- Secretary of State for Transport (in relation to previous Strategic Rail authority functions)
- Cardiff and the Vale University Health Board
- Cardiff Community Councils
  - Lisvane Community Council
  - Old St Mellons Community Council
  - Pentyrch Community Council
  - Radyr & Morganstown Community Council
  - St Fagans Community Council
  - Tongwynlais Community Council
- Adjoining Local Authorities and South East Wales Authorities
  - Bristol City Council
  - Caerphilly County Borough Council
  - Newport City Council
  - Rhondda Cynon Taf County Borough Council
  - Vale of Glamorgan Council
  - Bridgend County Borough Council
  - Merthyr Tydfil County Borough Council
  - Torfaen County Borough Council
  - Blaenau Gwent County Borough Council
  - Monmouthshire County Council
- Adjoining Community Councils
- Mobile Phone Operators
  - Hutchinson
  - O2 UK
  - Orange
  - T-Mobile (UK) Ltd
  - Virgin Media
  - Vodafone

- Service Providers
  - Network Rail Infrastructure
  - British Gas
  - BT Group Plc
  - Virgin Media
  - Dwr Cymru Welsh Water
  - National Grid
  - Npower
  - Powergen
  - Swalec
  - Transco
  - Wales & West Utilities
  - Western Power Distribution

## **General Consultation Bodies**

The following is a list of general consultation bodies to be consulted at the relevant stages outlined in the preparation of the LDP. This list is not intended to be exhaustive and other organisations and bodies who wish to be involved can be added and consulted where appropriate:

- Age Concern Cardiff & Vale
- Age Concern Cymru
- Transport for Wales
- Arts Council of Wales
- Associated British Ports
- Association of Inland Navigation Authorities
- Black Environment Network
- Business in the Community Wales
- Cadw
- Cadwyn Housing Association
- Caldicot & Wentlooge Levels Drainage Board
- Campaign for Real Ale
- Campaign for the Protection of Rural Wales
- Cardiff & District Allotments Association
- Cardiff & Vale Coalition of Disabled People
- Cardiff & Vale Mental Health Development Project
- Cardiff & Vale Parents Federation
- Cardiff Bus
- Cardiff Business Safe
- Cardiff Chamber of Commerce, Trade and Industry
- Cardiff Civic Society
- Cardiff Community Health Council
- Cardiff Community Housing Association
- Cardiff Cycling Campaign
- Cardiff Fiends of the Earth

- Cardiff Gypsy Sites Group
- Cardiff Heliport
- Cardiff International Airport Ltd.
- Cardiff Prison
- Cardiff University
- Cardiff YMCA
- Care & Social Services Inspectorate Wales
- CBI Wales
- CCAB
- Cemex UK
- Church in Wales
- CILT (UK) Cymru
- Citizens Advice Bureau
- Civic Trust for Wales
- Civil Aviation Authority
- Coal Authority
- Coed Cadw (the Woodland Trust)
- Commission for Racial Equality
- Confederation Of British Industry
- Confederation of Passenger Transport
- Country Land and Business Association
- Defence Estates
- Design Circle - RSAW South
- Design Commission for Wales
- Disability Wales
- Energy Savings Trust Ltd
- Equal Opportunities Commission
- Federation of Master Builders
- Federation of Small Businesses
- Fields In Trust
- Freight Transport Association
- Friends of Nantfawr Community Woodland
- Friends of the Earth Cymru
- Glamorgan Gwent Housing Association
- Glamorgan-Gwent Archaeological Trust
- Great Western Trains Company Limited
- Gwalia
- Health & Safety Executive
- Home Builders Federation
- Home Office Crime Team in Wales
- Inland Waterways Amenity Advisory Council
- Institute of Cemetery and Crematorium Management
- Jehovahs Witness Mid Glamorgan No. 1 Circuit
- Landscape Institute Wales
- Lisvane Community Association
- Lisvane Graig Protection Society
- Living Streets Cardiff

- Llamau
- Llandaff Conservation Advisory Group
- Llandaff Society
- Mineral Products Association
- Mobile Operators Association
- National Car Parks Limited
- National Express Ltd
- National Federation of Builders
- National Grid
- National Grid Property Holdings
- National Museum Wales
- NFU Cymru
- NPFA Cymru
- Planning Aid Wales
- Planning Inspectorate
- Quarry Products Association
- Ramblers Cymru
- Ramblers Cymru Cardiff Group
- Rhiwbina Civic Society
- Road Haulage Association Ltd
- Royal Commission on the Ancient & Historical Monuments of Wales
- Royal Mail Group plc
- RSPB Cymru
- Rumney Community Development Association
- SE Wales Local Energy Support Team
- South Wales Fire & Rescue Service
- South Wales Police
- Sports Council for Wales
- Sustrans Cymru
- Trajectory
- University of Wales Institute Cardiff
- Voluntary Action Cardiff
- Wales & West Housing Association
- Wales Council for Voluntary Action
- Welsh Ambulance Services NHS Trust
- Welsh Federation of Housing Associations
- Welsh Historic Garden Trust (Mid and South Glamorgan Branch)
- Welsh Historic Gardens Trust
- Wildlife Trust for South and West Wales

**APPENDIX B: FLOW CHART SUMMARISING LDP PREPARATION**

LDP Revision Timetable Version 0.4																																																			
				2020												2021												2022												2023											
				Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec								
<b>1. 3rd AMR Report</b>																																																			
Prepare AMR Report prior to adoption of new LDP																																																			
Political Reporting - Council endorse AMR																																																			
Submission to WG																																																			
<b>2. Review Report</b>																																																			
Prepare Review Report																																																			
Political Reporting - Council approve draft Review Report																																																			
Preprare for Consultation																																																			
Consultation																																																			
Political Reporting - Council approve final Review Report																																																			
Submission to WG																																																			
Agreed by WG																																																			
<b>3. Delivery Agreement</b>																																																			
Prepare Delivery Agreement																																																			
Political Reporting - Council approve draft Delivery Agreement																																																			
Preprare for Consultation																																																			
Consultation																																																			
Political Reporting - Council approve final Delivery Agreement																																																			
Submission to WG																																																			
Agreed by WG - Formal LDP Preparation "Start Date"																																																			
<b>4. Evidence Base</b>																																																			
Update																																																			
<b>5. Pre-deposit paticipation</b>																																																			
Prepare for Candidate Site Consultation																																																			
Candidate Site Consultation																																																			
Stage 1 Assessment of Candidate Sites																																																			
Prepare SA Scoping Report																																																			
Consultation on SA Scoping Report																																																			
Political Reporting - Council approve SA Scoping Report																																																			
Development of vision/objectives & alternative strategies & options																																																			
Engagement on vision/objectives & alternative strategies & options																																																			
Preparation of Preferred Strategy/Initial SA/HRA																																																			
Political Reporting - Council approve Preferred Strategy																																																			
<b>6. Pre-Deposit Consultation</b>																																																			
Consultation on Preferred Strategy/Initial SA/HRA																																																			
Analyse responses and prepare Initial Consultation Report																																																			
Preparation of Deposit Plan/Update SA/HRA																																																			
Political Reporting - Council approve Deposit Plan																																																			
<b>7. Statutory Deposit &amp; Submission</b>																																																			
Consultation on Deposit Plan/SA/HRA																																																			
Analyse responses/prepare Consultation Report & Submission docs																																																			
Political Reporting - Council approve submission to WG																																																			
Submission to WG																																																			
<b>8. Examination &amp; Adoption</b>																																																			
Examination																																																			
Inspectors Report Preparation																																																			
Inspectors Report Publication																																																			
Adoption by Council																																																			

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Blue = Political Reporting  
Green = Consultation stages

## APPENDIX C: TABLE SUMMARISING INVOLVEMENT IN LDP STAGES

Consultation Stage	Purpose	Timescale	Summary of Involvement	Reporting Mechanism
Delivery Agreement	Set out timetable for plan preparation and process of involvement.	January 2020 to March 2020	<ul style="list-style-type: none"> <li>8 week consultation on content of Delivery Agreement in Dec 2019/Jan 2020.</li> </ul>	<ul style="list-style-type: none"> <li>All information available on website.</li> </ul>
Evidence base	To have a clear understanding of the dynamic social, environmental and economic characteristics and issues that exist within Cardiff. As part of this information gathering the Council will invite developers and landowners to submit candidate development sites for potential inclusion in the plan.	Dec 2019 to June 2022 (with necessary updates thereafter)	<ul style="list-style-type: none"> <li>6 week consultation on SA Scoping Report</li> <li>Invitation for Candidate Site submissions.</li> <li>Opportunity to engage as part of preparation of Preferred Strategy outlined below.</li> </ul>	<ul style="list-style-type: none"> <li>Updated information on both processes will be available on website.</li> </ul>
Preferred Strategy	To develop the LDP vision and objectives for the area, based on an understanding of the relevant issues. From this base, strategic options will be identified and assessed leading to the identification of strategic sites to feed into the Preferred Strategy. In parallel, the SA and other assessments will be undertaken.	March 2020 to November 2021	<ul style="list-style-type: none"> <li>Stakeholder Conference 'Launch Event' at early stage of development of vision/objectives, alternative strategies and options.</li> <li>Involvement in development of the Preferred Strategy focussing engagement upon vision/objectives, evidence base/issues and alternative strategies and options.</li> <li>6 week consultation on Preferred Strategy and Initial SA report consultation.</li> </ul>	<ul style="list-style-type: none"> <li>A report will be prepared setting out the Council's response to all comments made on the Preferred Strategy and Initial SA Report.</li> <li>All information available on website.</li> </ul>

Consultation Stage	Purpose	Timescale	Summary of Involvement	Reporting Mechanism
Deposit	To pay due regard to the foregoing consultation exercises and stakeholder engagements and formulate and consult on a Deposit Plan.	December 2021 to November 2022	<ul style="list-style-type: none"> <li>6 week consultation on Deposit LDP together and Final SA Report.</li> </ul>	<ul style="list-style-type: none"> <li>A final consultation report will be prepared setting out the Council's response to all comments made on the Deposit Plan and Final SA Report.</li> <li>All information available on website.</li> </ul>
Submission of LDP to WG	To submit the Deposit Plan, Sustainability Appraisal Report, Community Involvement Scheme, copies of all representations received, key supporting evidence, the Consultation Report, the report on the LPA's suggested changes and a Statement of the main issues to the WG and the Planning Inspectorate.	March 2023 (Indicative)	<ul style="list-style-type: none"> <li>Once submitted, the examination process will be undertaken by an Independent Inspector. An independent Programme Officer employed by the Council will provide the first point of contact to stakeholders providing a link between the authority and the Inspector. Information will be made available on the forthcoming examination process.</li> </ul>	<ul style="list-style-type: none"> <li>All information available on examination website and library.</li> </ul>
Independent examination	Following this submission an Inspector will be appointed to examine the Deposit Plan to determine whether it satisfies the preparation requirements of the 2004 Act and whether it is "sound" The examination will also consider representations including objections that have been made in accordance with the LDP Regulations.	March to September 2023 (Indicative)	<ul style="list-style-type: none"> <li>Arrangements for public participation in the examination process will be advertised nearer the time (at least 6 weeks before the opening of the examination).</li> </ul>	<ul style="list-style-type: none"> <li>All information available on examination website and library.</li> </ul>

Consultation Stage	Purpose	Timescale	Summary of Involvement	Reporting Mechanism
Inspectors Report	The Inspector will publish a report outlining the examination's findings, together with any changes to the Deposit Plan and reasons for those recommendations. The Inspector's decisions will be binding upon the Council.	September 2023 (indicative)		
Adoption	The Council is required to adopt the final LDP incorporating the Inspector's recommendations within 8 weeks of receiving it, unless the Welsh Government intervenes.	October 2023 (indicative)	<ul style="list-style-type: none"> <li>On or before the day on which the LDP is adopted, the Council will publish the Inspector's Report and make it available for inspection and to view on Council's web site. The Local Development Plan will become operative on the date it is adopted, and final publication of the Plan should follow as soon as possible (after the expiry of the six-week legal challenge period).</li> </ul>	



## APPENDIX D: RISK MANAGEMENT

The proposed timetable for plan preparation is considered to be realistic and achievable having regard to the scope of work the Council believes to be involved having regard to existing Welsh Government regulations and guidance, and the resources the Council is able to commit to plan preparation. While every effort will be made to avoid deviations from the proposed timetable, the Council has identified a number of potential risks which are set out below, together with the Council's proposed approach to managing them. The timetable, together with the anticipated work programme and available resources will be kept under continual review to monitor possible slippage or other impacts resulting from the risks identified or other causes. Where necessary, progress reports will be made to the Council's Cabinet.

Risk	Potential Impact	Mitigation
<ul style="list-style-type: none"> <li>Additional requirements arising from <b>new legislation, national guidance and/or new evidence</b></li> </ul>	<ul style="list-style-type: none"> <li>Additional work required, causing programme slippage</li> </ul>	<ul style="list-style-type: none"> <li>Monitor emerging legislation/guidance/evidence and respond early to changes</li> </ul>
<ul style="list-style-type: none"> <li><b>Programme/timetable proves too ambitious for resources available due to greater than anticipated workload</b> e.g. number of representations</li> </ul>	<ul style="list-style-type: none"> <li>Programme slippage</li> </ul>	<ul style="list-style-type: none"> <li>Realistic timetable prepared with some flexibility</li> <li>Consider additional resources when required</li> </ul>
<ul style="list-style-type: none"> <li><b>Insufficient information</b> to enable preparation of a sound plan (e.g. up to date population projections) to undertake SEA of proposals</li> </ul>	<ul style="list-style-type: none"> <li>Programme slippage</li> </ul>	<ul style="list-style-type: none"> <li>Identify expectations of consultees in Delivery Agreement</li> </ul>
<ul style="list-style-type: none"> <li><b>Delays caused by Council delaying approval of documents</b></li> </ul>	<ul style="list-style-type: none"> <li>Programme slippage</li> </ul>	<ul style="list-style-type: none"> <li>Undertake Scrutiny process together with wider Member Briefing to raise awareness</li> </ul>
<ul style="list-style-type: none"> <li><b>Delay caused by scheduling of Cabinet Business, Planning or Scrutiny Committee meetings</b></li> </ul>	<ul style="list-style-type: none"> <li>Programme slippage</li> </ul>	<ul style="list-style-type: none"> <li>Monitor progress against Delivery Agreement</li> <li>Book target meetings in Council's Forward Plan</li> </ul>
<ul style="list-style-type: none"> <li><b>Significant Objections</b> from Statutory Consultation Bodies</li> </ul>	<ul style="list-style-type: none"> <li>LDP cannot be submitted for examination without significant work</li> </ul>	<ul style="list-style-type: none"> <li>Ensure the views of statutory bodies are sought and considered as early as possible</li> </ul>
<ul style="list-style-type: none"> <li><b>Planning Inspectorate</b> unable to meet the timescale for examination and reporting</li> </ul>	<ul style="list-style-type: none"> <li>Examination and/or report is delayed</li> <li>Key milestone in programme not met</li> </ul>	<ul style="list-style-type: none"> <li>Close liaison with the Planning Inspectorate to ensure early warning of any problems (e.g. Consultation on LDP)</li> </ul>
<ul style="list-style-type: none"> <li><b>LDP fails test of soundness</b></li> </ul>	<ul style="list-style-type: none"> <li>LDP cannot be adopted without additional work</li> </ul>	<ul style="list-style-type: none"> <li>Ensure LDP is sound, founded on a robust evidence base with sustainability appraisal and well audited community and stakeholder engagement</li> </ul>
<ul style="list-style-type: none"> <li><b>Legal challenge</b></li> </ul>	<ul style="list-style-type: none"> <li>Adopted LDP quashed</li> <li>Significant slippage/ additional work</li> </ul>	<ul style="list-style-type: none"> <li>Ensure procedures, Act, Regulations etc, are complied with and no undue risks taken</li> </ul>



### Appendix 3: Summary of comments received on Draft Review Report and Delivery Agreement and Council Responses

Consultee	Summary of comments	Response
Natural Resources Wales	Support proposed full review of the LDP and the proposed timetable set out in Delivery Agreement	Noted
Cadw	I can confirm that the historic environment is adequately covered within the plan. However, we recommend that the Cardiff Replacement LDP Delivery Agreement should also include an evidence base assessment for the historic environment as there may be impacts on it from the other topic areas. I should also mention that we are currently in consultation with the owners of all registered historic parks and gardens following a review of their boundaries in advance of producing a statutory Register. Given the number of historic parks and gardens within Cardiff we would recommend a SPG. Finally, I can confirm that we have put in place arrangements for the Glamorgan Gwent Archaeological Trust to represent our interests at any future LDP meetings.	Noted. The issues raised will be considered as part of the preparation of the Replacement LDP.
Glamorgan Gwent Archaeological Trust	<p>The Draft Review Report notes the legislative changes which have occurred since the last LDP, and these include the Historic Environment (Wales) Act 2016 (paragraph 2.10). The paragraph does describe part of the measures of the Act, although it does not note there are statutory responsibilities placed on the local authorities as a result, one of which is to contribute to the maintenance of the Historic Environment Record (Sections 35, 36 and particularly 37 of the Act). Further detail regarding this responsibility is detailed in the Welsh Government Statutory Guidance: <i>Historic Environment Records in Wales: Compilation and Use 2017</i>.</p> <p>Policies KP17 and EN9 relating to the built environment are noted (paragraph 3.61) and are considered from three AMRs to be compliant and effective. It should be noted that the historic environment is not limited to <i>built</i> heritage, and includes buried remains, and remains surviving as low earthworks.</p>	Comments noted.

Consultee	Summary of comments	Response
	<p>The Draft Delivery Document is helpful and the charts for key stages allow us to be aware of upcoming consultations, and we note that Glamorgan Gwent Archaeological Trust are on the list of consultees.</p>	
The Coal Authority	No specific comments at this time.	Noted
St Fagans Community Council	<p>St Fagans Community Council is a member of the North West Cardiff Group (NWCG) and fully supports the comments made by the Group.</p> <p>We do not find that a case has been made for a replacement LDP rather than a comprehensive review of the current LDP. The main argument for a replacement appears to be avoidance of an examination of what is happening with the LDP and why it is failing to deliver the promised results. We question whether a meaningful Replacement LDP can be prepared without a thorough review of the current LDP – progress, issues, performance against expectations etc.</p> <p>Paragraph 2.35 of the Review Report states that the latest available projections suggest household formations by 2026 will be 5% less than envisaged when the LDP was prepared. New projections will be available shortly. A fall in new household numbers will impact demand for houses and result in lower sales of new properties. The new LDP must be sufficiently flexible to allow for a fall in demand without leaving the City littered with partially completed housing Developments/unattractive building sites.</p> <p>Paragraph 2.42 takes an optimistic view of the future, asserting that completions will increase significantly. What is the basis for this optimism? Cardiff was optimistic at the LDP hearings: that optimism was misplaced. There are many factors that can effect economic confidence and create uncertainty. As stated by NWCG in their response, a reduction in housing completions/occupations cannot be allowed to justify further land releases without a clear plan to develop communities (which the LDP was supposed to do). Developers will always argue that all air quality further deteriorating. Cardiff has some of the poorest air quality in the U.K. The new developments they need is land to build on.</p>	<p>The Review Report explains how the LDP strategy and policies have already been reviewed as part of the Full Review process. It should also be noted that the formal Annual Monitoring process (AMR) on the performance of the existing LDP will continue until after the Replacement LDP has been adopted.</p> <p>In addition the issues raised in this response will be considered as part of the preparation of the Replacement LDP.</p>

Consultee	Summary of comments	Response
	<p>Congestion in Cardiff is increasing with along Llantrisant Road do not provide any facilities, leaving residents with no option but to travel by car. The increase in congestion effects bus reliability. There is no evidence of any real plan to reverse the situation. It is disappointing that an authority that claims to want to improve bus usage is providing a 'new' bus service to Rhydlafer along Llantrisant Road by taking one bus an hour from the Radyr and Morganstown service.</p> <p>Paragraph 3.65 claims that £164m has been raised from S106. Some of this was raised before the LDP was adopted so is not technically related to the LDP. The sum is for the whole of Cardiff. The amount is embarrassingly small given the profits that are being made by landowners and developers. This sum is wholly inadequate given the scale needed in infrastructure - schools, transport, medical facilities and drainage and sewerage infrastructure - across the City. This makes it all the more disappointing that Cardiff has failed to collect all the S106 monies due.</p> <p>We fully support the comments made by NWCG on the Community Infrastructure Levy (CIL) and believe that Cardiff is 'short-changing' city residents by failing to apply this to strategic sites. We believe that Cardiff is misguided in treating S106 and CIL as an 'either or' choice when they were intended to be used together albeit for different issues arising from a development.</p>	
LLandaff Society	<p><b>1. Review Report</b></p> <p>1.1 The two major concerns of Llandaff Society (LS) are (i) the importance of "preserving and enhancing" the historic environment in decision-making to ensure successful place-making; and (ii) the need for urgent action to sort out sustainable transport for the City.</p> <p>1.2 LS supports current LDP policy on the historic environment, but wants the priority given to it increased to recognise that it is irreplaceable. It is vital that our listed buildings, Conservation Areas and their settings (ie KP17 and EN9) are given a higher priority if we are to</p>	<p>Noted. The issues raised will be considered as part of the preparation of the Replacement LDP.</p> <p>Agree that Llandaff Conservation Advisory Group be added to the list of consultees in the Delivery Agreement</p>

Consultee	Summary of comments	Response
	<p>ensure that Cardiff remains an amalgam of distinctive 'places', valued by residents and visitors alike.</p> <p>1.3 LS is also concerned that not enough emphasis is being given to the urgent need to provide more sustainable modes of transport. The need for action in the light of the Climate Emergency, as well as to tackle the obesity crisis, make it vital that the Replacement LDP takes a fresh approach. In particular, the development pattern set in the current LDP - including the allocation of Strategic Sites on either side of Llantrisant Road including Plasdwr, Goitre Fach and Waterhall - perpetuates car-based transport and is having a negative impact on air quality in Llandaff. Cardiff is the 4<sup>th</sup> most polluted city for its size in the UK! We urgently need a tram-train to Creigiau, linked to a public transport system for the region fit for the 21<sup>st</sup> Century.</p> <p>1.4 Para 3.39 says that the Strategic Allocations (including those along Llantrisant Road) are not delivering any employment land. They are not delivering any other facilities either, which means that new residents have to travel to and from them daily, mainly by car, reducing the quality of life for residents of Llandaff. Continuation of this type of ugly, unsustainable, developer-led expansion of Cardiff will create nothing like the 'Garden City' model it claims to replicate.</p> <p>1.5 Paras 2.45-47 refer to a reduction in car use for journeys to work with an encouraging increase in cycle use, but an increase in car use for journeys to education and leisure. The LDP will need to tackle this and the linked increase in congestion levels. Congestion increased by +1 % from 2017-8 (p 62, Annual Monitoring Report March 2019), has a negative impact on bus reliability and has reduced air quality including in Llandaff's AQMA. To tackle this we urge the Council to introduce charges for workplace parking in Cardiff, as was done with great success in Nottingham in 2012.</p> <p><b>2. Delivery Agreement</b></p> <p>2.1 Llandaff Society urges the Council to ensure that the evidence base is robust, the</p>	

Consultee	Summary of comments	Response
	<p>assessments (SEA/SA) honest and the Preferred Strategy demonstrably reflects the views of communities.</p> <p>2.2 We welcome the commitment of the Council for the Llandaff Conservation Area Appraisal to become SPG, and suggest that the Llandaff Conservation Advisory Group (the only one still operating in Cardiff) is added to the consultation list and invited to the Stakeholder Conference.</p> <p><b>3. Conclusion</b></p> <p>3.1 Llandaff Society looks to the new LDP to set clear priorities that encourage sustainable place-making, respects the views of local communities, and sets a new direction towards reversing adverse climate impacts and protecting natural and historic assets.</p>	
David Locke Associates on behalf of Taylor Wimpey Ltd and the North East Cardiff Landowners' Consortium	A full revision procedure is the most appropriate form of review and a replacement LDP should be prepared for the period to 2035. It is considered that the LDP Vision and LDP Objectives outlined within the Draft Review Report are appropriate and aligned to the opportunities presented by the Strategic Site F allocation which will ensure the timely delivery of sustainable development within well-planned, well-serviced, high quality liveable neighbourhoods. Taylor Wimpey Ltd and the North East Cardiff Landowners' Consortium welcome the opportunity to engage as appropriate in connection with future stages of the LDP review.	Noted.
WYG on behalf of Ryan family	We have read the Draft Review Report and agree that the Plan period should be extended to 2035 and the evidence base updated to reflect the needs of the City over this extended period, particularly in respect of population and household forecasts. Furthermore, we support the recommendation of the report that a full revision is the most appropriate form of review as a short form review procedure could not appropriately address the strategic issues which will arise.	Noted
Cardiff Cycling Campaign	1) Delivery Agreement arrangements  Consultation - we would urge that development & engagement on vision / objectives and	The Delivery Agreement includes engagement

Consultee	Summary of comments	Response
	<p>alternative strategies and options gives the widest possible engagement to interested groups (including those listed in your schedule, which needs revision) pre-Deposit, and provisionally in May - July when the Candidate Site consultation is scheduled. We think that it's really important that the City is able to examine the evidence base and the future options in response to the challenges of climate change and air pollution in particular, which Cardiff Council has recognised.</p> <p>2) LDP Evidence Base Requirements</p> <p>We would argue for specific reference to the Active Travel Act 2013 and last year's Planning Guidance that developers should follow the requirement to develop in accordance with Active Travel declared routes and design guidance.</p> <p>With reference to Transport Assessment (2.45 - 2.47), we feel that the Annual Monitoring Report key findings are very complacent with regard to both progress with the modal split target (of 50% / 50%) - before the significant roll out of new houses in the north west and north east of Cardiff - and with regard to the application of s.106 agreements with the main housing developers, taking into account the City's Transport Strategy 2016 to favour modal change. In practice, we believe that sectoral monitoring and targets should be adopted for each transport mode (including Metro developments), and that their spatial requirements should be recognised.</p> <p>As we said at the Inquiry into the LDP 2006 - 2026, the planned housing developments are particularly challenging to the modal split target, and site specific s.106 agreements do not address the need for continuous cycling and walking routes to destinations and transport hubs; that Community Infrastructure Levy (CIL) should be considered at the earliest stage of the LDP review. From what we seen already of these developments, they have been permitted to be fairly low-density and encouraging of car ownership and use, but discouraging use of public passenger transport and cycling &amp; walking. It seems, too, that the provision of local facilities such as shops, schools, pubs, and</p>	<p>opportunities to provide feedback and build consensus at the vision and objectives and alternative strategic options stages ahead of preparation of the Preferred Strategy. Other issues raised will be considered as part of the preparation of the Replacement LDP.</p>



Consultee	Summary of comments	Response
	<p>community centres will be less than required, meaning residents will have to travel to access them.</p> <p>We ask for full surveying / monitoring of travel modes for all communities in Cardiff to be carried out as part of the evidence to inform the current Local Development Plan performance and to prepare for the new Local Development Plan.</p>	
Friends of Heath Park Woodland	<p>The review needs to address the greater protection of parks in Cardiff. Piecemeal erosion is happening more and more with Council sell offs The following policy is therefore proposed...</p> <p>"No development shall take place in parks unless all of the following criteria are satisfied:-</p> <ol style="list-style-type: none"> <li>1.No open space including grassland and woodland should be built on</li> <li>2.The use of existing hard surfaces for new mixed use should not be detrimental to the character of the park</li> <li>3 No temp uses should be permitted unless they are for on off events</li> <li>4.The design of any new structures should be compatible with the character of the park and use natural resources</li> <li>5.Development which adversely effects the character of the park by destroying environmental diversity shall not be permitted" </li></ol>	This is a matter the Replacement LDP will consider during the future preparation of the plan.

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**COUNCIL****26<sup>th</sup> MARCH 2020**

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**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES**

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**PLANNING COMMITTEE – EMERGENCY DELEGATIONS****Reason for this Report**

1. To allow the Council to consider emergency delegations to facilitate the discharge of Planning Committee functions during the period when normal business operations are disrupted due to government restrictions imposed in response to the COVID-19 pandemic.

**Background**

2. The Planning Committee is a standing committee established by full Council to discharge the town and country planning and development control functions of the authority in accordance with its terms of reference, which are set out in the Scheme of Delegations in Part 3 of the Constitution.
3. Under section 101 of the Local Government Act 1972, a local authority may arrange for the discharge of any of its functions by a committee, sub-committee, officer or another local authority. Where any functions of a local authority may be discharged by a committee, then, unless the local authority otherwise directs, the committee may arrange for the discharge of any of those functions by an officer of the authority.
4. An effective, clear and transparent scheme of delegations is essential for good governance within local government.
5. The Planning Committee reviewed its officer delegations, having regard to Welsh Government guidance, in March 2018. The revised Planning Committee delegations were incorporated into the Scheme of Delegations in the Constitution in March 2019, with the approval of full Council, in order to ensure the Council's arrangements for the discharge of planning functions are clear and transparent.

## Issues

6. The UK government has introduced a range of personal isolation and social distancing measures in response to the COVID-19 pandemic. The application of these measures means that it is unlikely that the Planning Committee will be able to meet for several months until the restrictions are lifted.
7. Having reviewed the current planning delegations, the Director of Legal and Governance and the Head of Planning, in consultation with the Chair of the Planning Committee, have recommended that Council be asked to approve a temporary extension of officer delegations to ensure that Planning Committee functions may continue to be discharged during the period when the Committee is unable to meet.
8. The current delegations approved by the Planning Committee and set out in the Scheme of Delegations, Section 4F, are shown in **Appendix A** to this report.
9. Members will note that the Head of Planning has a general delegation to exercise Planning Committee functions (subject to consultation with the Chair of Planning in cases involving objections), with a list of excepted matters which are reserved for decision by the Planning Committee. The matters currently reserved for decision by the Planning Committee include planning applications submitted by Members or senior officers; those in respect of major Council developments; applications raising policy considerations, unresolved objections from a statutory consultee or widespread local concerns; and cases where a valid petition has been submitted.
10. If the Planning Committee is unable to meet to make decisions on the reserved matters referred to above (and set out in full in **Appendix A**, paragraphs (i) to (vii)), this may lead to significant delays for businesses and critical schemes, and may result in some proposals being suspended or potentially abandoned, and possibly difficulties in facilitating temporary uses to deal with the current emergency. The Council's failure to deal with planning applications may also be legally challenged by 'non determination appeals'.
11. In order to mitigate these risks and ensure that the Council is able to continue to discharge important planning functions over the coming months, it is recommended that the exceptions to the delegations exercisable by the Head of Planning (set out in paragraphs (i) to (vii) of **Appendix A**) should be temporarily suspended. This would grant the Head of Planning (or in his absence, the Planning Operational Managers) an emergency delegation to deal with any of the excepted matters, if necessary, until such time as the Planning Committee is able to resume meetings to discharge its functions.
12. It is proposed that the emergency delegation should only be exercisable in consultation with the Chair of Planning Committee (or Vice-Chair, in the

absence of the Chair); and that any decisions made under the emergency delegation should be reported to the next Planning Committee meeting for information.

13. Members should note that the proposed emergency delegation would not automatically mean that it would be considered appropriate to determine all applications previously reserved to Committee under the emergency delegation. Each application would be assessed on its merits, having regard to the current exception categories and all relevant details of the application, in order to determine whether it is appropriate to decide the matter under officer delegation.
14. It should also be noted the proposed emergency delegation would ensure the Council is able to determine, without delay, any important applications which may arise in response to the emerging challenges ahead.
15. Any decisions taken under the emergency delegation would be supported by an Officer Decision Report, setting out all relevant issues, professional advice and consultation; and signed off by the Head of Planning (or in his absence, the Planning Operational Managers) and the Chair of Planning (or in his absence, the Vice Chair).
16. As the recommendations in this report are a temporary expedient in response to exceptional circumstances, it is not proposed to amend the Constitution.

### **Legal Implications**

17. Relevant legal implications are referred to in the body of the report.

### **Financial Implications**

18. There are no direct financial implications arising from this report.

### **RECOMMENDATION**

Council is recommended:

Until such time as the Planning Committee is able to meet to resume the discharge of its functions, to authorise the Head of Planning (or in his absence, the Planning Operational Managers), in consultation with the Chair of Planning (or in his absence, the Vice-Chair), to exercise any functions of the Planning Committee, when considered appropriate and necessary, including the excepted matters listed in points (i) to (vii) of **Appendix A**, provided that any decisions taken under this delegated authority shall be reported to the next meeting of the Planning Committee.

**DAVINA FIORE**  
**DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND**  
**MONITORING OFFICER**

18 March 2020

**APPENDICES**

Appendix A Planning delegations set out in the Scheme of Delegations, Section 4F

Background papers

Council report, Constitution Amendments, 28<sup>th</sup> March 2019

Planning Committee report, Planning Committee Delegations, 15<sup>th</sup> March 2018

**SCHEME OF DELEGATIONS, SECTION 4F (Extract)**

Head of Planning:

To determine all matters which are delegated to the Planning Committee under the Council's constitution and to carry out any functions under Planning legislation, subject to consultation with the Chair of the Planning Committee (or in his or her absence, the Vice Chair) in any case where written objections on valid planning grounds have been submitted and remain unwithdrawn, EXCEPT for the following matters which are reserved for determination by the Planning Committee:

- (i) Planning applications submitted by current Elected Members of the Council, Directors and Assistant Directors.
- (ii) An Elected Member of the Council has requested in writing to the Chair of Planning Committee within the statutory consultation period (being 21 days from the commencement of the formal public consultation) that an application be referred to Planning Committee for consideration giving valid planning reasons, except in cases where the Head of Planning, in consultation with Chair of Planning Committee (or in his or her absence, the Vice Chair) determines at his discretion that the application should be determined as a delegated decision.
- (iii) The Director of Planning, Transport and Environment or the Head of Planning considers that the application should be determined by Planning Committee by virtue of the application raising significant policy and material considerations/concerns and/or widespread local concerns.
- (iv) Approval of the application would represent a significant departure from policies contained within the approved Local Development Plan.
- (v) Cardiff Council is the applicant and the scheme is not of a 'minor' nature in the opinion of the Director of Planning, Transport and Environment or Head of Planning.
- (vi) Applications where the decision would conflict with an objection received from a statutory consultee and the objection has not been withdrawn or has been unable to be resolved by negotiation or by imposing a planning condition on any consent issued, except in cases where the Head of Planning, in consultation with Chair of Planning Committee (or in his or her absence, the Vice Chair) determines at his discretion that the application should be determined as a delegated decision.
- (vii) Applications where a valid petition has been submitted in accordance with the Council's Planning Committee Procedure Rules.

In the absence of the Head of Planning, this delegation shall be exercisable by either

of the Planning Operational Managers. In the case of a senior management re-organisation, any officers with similar duties to the officers and the job titles specified in this scheme will have the powers assigned to the officers and the job titles in this scheme.

In the absence of the Chair of Planning Committee, the authority passes to the Vice Chair of Planning Committee.



**CYNGOR CAERDYDD  
CARDIFF COUNCIL**



**COUNCIL:**

**26 MARCH 2020**

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**REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL SERVICES**

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**LORD MAYOR AND DEPUTY LORD MAYOR ELECT**

**Reason for this Report**

1. To receive nominations for the positions of Lord Mayor and Deputy Lord Mayor for the 2020 - 2021 Civic Year.

**Background**

2. The election of the Chair and Vice Chair of Council are determined by a vote of the Council at its Annual Meeting in May and nominations for these positions are sought from Party Groups to enable a recommendation to be made at the March Council meeting.
3. The Members appointed as Chair and Vice Chair are entitled to use the titles The Right Honourable the Lord Mayor and Deputy Lord Mayor respectively.

**Issues**

4. The purpose of this report is to seek the nomination of Members for election as Lord Mayor and Deputy Lord Mayor for 2020 - 2021 Civic Year.
5. It will be necessary for Council to formally elect the Lord Mayor and Deputy Lord Mayor at the Annual Meeting of Council.
6. Party Group nominations for these positions have been requested.

**Legal Implications**

7. The Local Government Act 1972 requires that the Chairman of the Council be elected annually and that the Vice Chairman be appointed annually. In neither case may that person be a member of the Executive. The Council has the

benefit of a Royal Charter permitting the Chairman and Vice Chairman to be known by the style and title of The Right Honourable the Lord Mayor and Deputy Lord Mayor respectively.

### **Financial Implications**

1. Payments to civic heads are within the remit of the Independent Remuneration Panel. For 2020/21, in the case of civic salaries, where paid a civic head must be paid a Band 3 salary of £22,918 and where paid, a Deputy Civic Head must be paid a Band 5 salary of £17,918 with effect from the 1 April 2020. These amounts can be met from within existing budgets.

### **RECOMMENDATION**

It is recommended that the Council receive and consider nominations for the positions of The Right Honourable the Lord Mayor and Deputy Lord Mayor elect for the 2020 – 2021 Civic year.

**DAVINA FIORE**  
**Director of Governance and Legal Services**  
**20 March 2020**

Background Paper  
The Independent Remuneration Panel for Wales Report February 2020