

**COUNCIL: 19 JULY 2018**

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## **CABINET PROPOSAL**

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### **SUPPLEMENTARY PLANNING GUIDANCE**

#### **Reason for this Report**

1. To advise on the outcome of consultation on the following draft Supplementary Planning Guidance (SPG) which help to deliver the Council's vision set out in the Capital Ambition Report, bring about positive improvements to neighbourhoods, and to recommend their approval, as amended, by the Council:
  - Archaeology and Archaeologically Sensitive Areas
  - Managing Transport Impacts (incorporating Parking Standards)

#### **Background**

2. The Council has a number of SPGs which were prepared to supplement the policies contained in previous adopted plans. In order to ensure conformity with the recently adopted Cardiff Local Development Plan (LDP) policies, a review of these is underway and a programme of SPG to support and amplify the policies in the LDP is currently being produced. These SPG's are the fourth tranche of this programme and further tranches will be brought before Cabinet and Council in next 12 months.
3. Welsh Government guidance encourages local planning authorities to prepare SPG to provide advice on how LDP policies will be implemented. This should help those involved in the development and planning process understand the purpose and objectives of policies and assist the submission of permissible planning applications.
4. SPG must be consistent with planning legislation, Welsh Government guidance and the LDP. It should be prepared in consultation with the public and appropriate interests, and their views should be taken into account before formal Council approval. SPG may be given weight as a material consideration when making decisions on planning applications.
5. Consultation was undertaken between 9<sup>th</sup> November and 21<sup>st</sup> December 2018 on the SPGs is in line with the LDP Community Involvement Scheme. Consultation included the following:

- A 6 weeks public consultation period
  - A public notice in the local press to notify anyone with an interest
  - Copies of the documents were made available to view in all Cardiff Libraries, County Hall and on the Council website.
6. In addition to this Councillors were notified about the current SPG consultation and an email/letter notification was sent out to consultees on the SPG Consultation List – this list included the formal LDP consultees and anyone else who has requested to be kept informed of SPG consultations, including businesses, interested groups and individuals. Each of the SPG appended to this report contains appendices outlining the specific consultation undertaken, a summary of the representations submitted and the changes made in response.
7. Most of the comments received were minor and technical in nature and a summary of the content of each of the SPG's together with a summary of any significant comments received and any proposed changes is included below. All of the amendments made to the SPG are relatively minor in nature and do not alter the main thrust of the documents.

### **Archaeologically and Archaeologically Sensitive Areas**

8. This SPG sets out how archaeology will be addressed within the planning process. It details relevant national and local policies; how the known archaeological resource is registered and the data managed; how the planning process deals with archaeology and historic assets and defines the Archaeologically Sensitive Areas and the nature of archaeology. When adopted, this document will replace the existing SPG approved in 2006.
9. Representations were received from 1 consultee. A summary of this representation is identified within appendices of the document, together with associated responses, and where relevant, details of associated amendments that have been made to the document.

### **Managing Transport Impacts (Incorporating Parking Standards)**

10. This SPG sets out Cardiff Council's approach to assessing and managing the transport impacts of developments and supplements the transport and other related policies in Cardiff's Local Development Plan 2006-2026. It applies to all categories of development for which planning permission is required, including new developments, extensions, redevelopments and material changes of use.
11. The SPG provides detailed guidance with regard to:
- How the Council will consider the impacts of development on the routes that make up the local highway network.
  - The detailed information that applicants for planning permission should include with their submissions to enable the Council to make a fully informed assessment of transport impacts.

- The Council's approach to quantifying and assessing the transport impacts of development proposals as part of its determination of planning applications.
  - The types of transport infrastructure and other mitigation measures which may be sought to address transport impacts.
  - How the Council will seek to secure the transport infrastructure and other transport measures required to mitigate transport impacts, enable development to proceed and support the implementation of Transport policies in the Local Development Plan.
  - The scope and content of Travel Plans required as part of the overall package of measures to mitigate impacts and support the implementation of LDP transport policies.
  - The parking standards which apply to different types of development in specific areas of the city
  - How the impacts of developments upon Public Rights of Way will be considered and the likely requirements for mitigation.
12. Representations were received from 17 consultees, providing around 100 individual comments. These representations are identified within the appendices of the document, together with associated responses, and where relevant, details of associated amendments that have been made to the document.
13. The amendments proposed to the SPG include clarification of the requirements for garages, where these are also used to provide cycle parking (6.32) and ensuring that the use 'must'/'will' as opposed to 'should'/'can' is consistent and appropriate for the requirements being set out in the guidance. The Junction Assessment Tool (formerly Appendix 3) has also been removed from the appendices as it may be necessary to amend this periodically. It will be publically available and remains a recommended tool.

### **Reason for the Recommendation**

14. To comply with Welsh Government guidance on the process for preparing Supplementary Planning Guidance.

### **Legal Implications**

15. The Cardiff Local Development Plan (LDP) was adopted on 28 January 2016 and contains policies and proposals which provide the basis for deciding planning applications. The policies in the adopted Cardiff LDP have special status under section 38(6) of the Planning and Compulsory Purchase Act 2004 which means that planning decisions must be taken in accordance with it unless material considerations indicate otherwise.
16. Whilst the LDP contains policies and proposals which provide the basis for deciding planning applications supplementary planning guidance (SPG) can be used as a means of setting out more detailed guidance on the way in which those policies will be applied in particular

circumstances or areas. SPG may be taken into account as a material consideration when determining planning applications.

17. In order for a SPG to be given as much weight as possible as a material consideration it must be formulated, prepared and adopted in the proper manner.

#### Powers and Duties

18. The Council has a duty to seek to continually improve in the exercise of its functions (which includes where appropriate powers) in terms of inter alia strategic effectiveness, service quality and availability, sustainability, efficiency and innovation pursuant to the Local Government (Wales) Measure 2009.
19. Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).
20. In considering this matter the decision maker must have regard to the Council's duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have 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. Protected characteristics are: (a) Age, (b) Gender reassignment (c) Sex (d) Race – including ethnic or national origin, colour or nationality, (e) Disability, (f) Pregnancy and maternity (g) Marriage and civil partnership, (h) sexual orientation (i) Religion or belief – including lack of belief.
21. The LDP was subjected to an Equalities Impact Assessment. The SPGs supplement and provide guidance on the policies which were prepared within this framework.

#### **Financial Implications**

22. No direct financial implications are expected to arise for the Council following the approval of the specific Supplementary Planning Guidance included in this report.

#### **CABINET PROPOSAL**

Council is recommended to approve the Archaeology and Archaeological Sensitive Areas and Managing Transportation Impacts (Incorporating Parking Standards) SPG, appended to this report.

**THE CABINET**  
**13 July 2018**

*The following Appendices are attached:*

Appendix 1: Supplementary Planning Guidance: Archaeology and  
Archaeological Sensitive Areas

Appendix 2: Supplementary Planning Guidance: Managing Transportation  
Impacts (Incorporating Parking Standards)