

**CARDIFF LOCAL DEVELOPMENT PLAN FULL REVIEW:
CONSIDERATION OF PROPOSED AMENDMENTS TABLED AT
COUNCIL MEETING OF 28th NOVEMBER, 2019**

**STRATEGIC PLANNING & TRANSPORT (COUNCILLOR CARO
WILD)**

AGENDA ITEM: 9

Reason for this Report

1. The purpose of this report is to respond to 3 Amendments which were tabled the day before the meeting of Council on 28th November 2019 seeking additional recommendations to the report on the full review of the Local Development Plan (LDP).
2. Council voted to defer consideration of the matters raised so that appropriate Officer advice could be secured prior to further discussion. This advice is now in place to inform considerations.

Background

3. The following three Amendments were proposed by Conservative Councillors in relation to the report on the full review of the LDP:
 - Amendment 1: Council agrees as part of the full review of the Local Development Plan, Cardiff Council will introduce Green Belt(s) in areas of Cardiff
 - Amendment 2: Council agrees that as part of the full review of the Local Development Plan, Cardiff Council will ensure that there is proper public transport easily accessible for residents of all new developments and in place at an early stage
 - Amendment 3: Council agrees that as part of the full review of the Local Development Plan, Cardiff Council will ensure that the design of new developments will be relevant to the local area and of the highest quality achievable
4. For clarity, Members should be aware that the LDP full review process is a statutory requirement which must be undertaken within 4 years of adoption to ensure that Plans remain up-to-date. Specifically, the review process

must determine the revision procedure to be followed- whether to undertake a short-form or full revision (involving the preparation of a Replacement LDP).

5. The Council meeting of 28th November, 2019 resolved to approve the draft Review Report and draft Delivery Agreement for the purposes of consultation and report back on the proposed way forward.
6. It should be noted that the full review process is purely focused upon the appropriate revision procedure to be followed and is not a process aimed at setting policy. Should the decision be taken to proceed with the preparation of a Replacement LDP, the Plan preparation process would be the way in which new policy is considered and ultimately governed through an independent examination process.

Consideration of Amendments

7. Given the technical advice on the full review process set out in paragraphs 4-6, above, it is considered premature and inappropriate to be considering policy matters ahead of a decision being taken on the form of revision to be followed. Moreover, the Plan preparation process is governed by statutory requirements setting out a complex, robust and lengthy process. Setting policy aspirations outside of this process and before the process has commenced would leave the Council open to potential challenge in terms of predetermination issues and not following due process.
8. It should also be noted that proposed Amendment 1 relating to the Green Belt would appear to conflict with national policy as set out in Planning Policy Wales which states in paragraph 3.62 that, “due to their strategic nature Green Belts will have significance beyond a single local authority and they should only be proposed as part of either a Joint LDP, SDP or NDF”.
9. However, the issues raised in all proposed Amendments, namely affording suitable protection to areas of countryside, securing accessible and timely public transport solutions and ensuring the high-quality design of new developments, are clearly important issues which will be considered as part of any future Plan-making process.

Reason for the Recommendation

10. To respond to the Amendments based on the consideration of Officer advice and statutory requirements of the Plan-making process.

Legal Implications

11. The Planning and legal position is as set out in the report. It is important to note that as set out in paragraph 7 above, policy changes may only be implemented after a detailed process has been followed, which includes consultation and consideration of all relevant considerations. Any attempt to seek to make binding policy decisions in advance of this process, could lead to a legal challenge. 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.

12. Well Being of Future Generations (Wales) Act 2015

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. 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>

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.

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:

- Look to the long term
- Focus on prevention by understanding the root causes of problems
- 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

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>

13. 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

14. There are no financial implications from considering the proposed amendments to the LDP. The detailed mechanism for funding the full review of the LDP will be considered as part of the 2020/21 Budget setting process.

Human Resources Implications

15. There are no HR implications for this report.

Property Implications

16. There are no property implications for this report.

RECOMMENDATION

Cabinet is recommended to

1. Note that the issues raised at Council on 28 November 2019 in relation to
 - affording suitable protection to areas of countryside,
 - securing accessible and timely public transport solutions
 - ensuring the high-quality design of new developmentswill form important considerations as part of any future Local Development Plan-making process.
2. accept the Officer advice that it would be inappropriate to make any future policy commitments ahead of the commencement of any future statutory Local Development Plan-making process

SENIOR RESPONSIBLE OFFICER	ANDREW GREGORY Director of Planning, Transport & Environment
	14 February 2020

The following Appendix is attached:

Appendix 1 – Cardiff LDP full review, report to Council, 28th November 2019