

# 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	Red																																															
Political Reporting - Council endorse AMR		Blue																																														
Submission to WG		Red																																														
<b>2. Review Report</b>																																																
Prepare Review Report			Red																																													
Political Reporting - Council approve draft Review Report			Blue																																													
Preprare for Consultation			Red																																													
Consultation				Green																																												
Political Reporting - Council approve final Review Report																																																
Submission to WG																																																
Agreed by WG																																																
<b>3. Delivery Agreement</b>																																																
Prepare Delivery Agreement		Red																																														
Political Reporting - Council approve draft Delivery Agreement			Blue																																													
Preprare for Consultation			Red																																													
Consultation				Green																																												
Political Reporting - Council approve final Delivery Agreement																																																
Submission to WG																																																
Agreed by WG - Formal LDP Preparation "Start Date"																																																
<b>4. Evidence Base</b>																																																
Update	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red									
<b>5. Pre-deposit participation</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																																																

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>

