

COUNCIL: 26 MARCH 2020

CABINET PROPOSAL

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 28th November 2019 approved these draft documents for public consultation purposes.
5. Public consultation on both documents took place between 14th January and 11th 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.

Key Stage			
Definitive		From	To
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"> • Candidate Site submission and appraisal • SA Scoping Report • Vision/Objectives/growth levels and spatial options 	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
Indicative		From	To
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