

COUNCIL:

18 MARCH 2021

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 Final Delivery Agreement (Appendix 2) to the 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. A draft Review Report and Delivery Agreement were originally considered by Cabinet and Council in November 2019 and were issued for public consultation in January and February 2020. The findings of this consultation exercise and a Final version of the documents were due to be considered by Cabinet and Council in March 2020 with a view to formally commencing the review of the LDP in May 2020. However, this meeting was cancelled as a result of the pandemic.
5. Welsh Government guidance issued in July 2020 stated that Local Planning Authorities must reflect on the implications of the pandemic and consider consequences for LDPs under review. Given this, the original draft Review Report and Delivery Agreement were revised to take into account the implications of Covid-19 together with other relevant contextual changes that have occurred over the last 12 months. These

revised reports were approved for consultation by Council on 26th November 2020.

6. Public consultation on both documents took place between 7th January and 4th February 2021. A total of 382 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.
7. A total of 34 responses were received during the public consultation period which are summarised in Appendix 3 along with the Council's response. –Overall, the majority of responses did not object to the approach and contents of both documents and recognise the need to prepare a Replacement LDP. A large number of responses raised wider issues relating to plan content beyond the current scope of the review process and these will be considered as part of the Replacement Plan preparation process as the plan progresses. However, some changes to the documents are considered appropriate to further clarify and respond to matters raised. These include:

Review Report

8. Updating the document to take account of contextual changes since the report was drafted in autumn 2020 so references are included to the latest position with the Council's One Planet Strategy and Welsh Government's National Development Framework.

Delivery Agreement

9. Updating the document to provide greater clarity regarding the LDP preparation stages referenced throughout the document to ensure they are consistent and in particular making the engagement and consultation stages and their duration clear in the text, tables and flow chart. Other changes include:
 - Providing further clarification that the evidence base work will help inform the strategic options stage which will be subject to consultation and engagement next winter;
 - Providing further detail regarding the Council's commitment to inclusiveness through providing user friendly documentation and using user friendly consultation techniques in order to engage with the wider community, including children and young people;
 - Clarifying further the role Elected Members can play in raising awareness and supporting engagement of local communities in the plan preparation process;
 - Providing more clarity on the two phases of pre-deposit participation consultation planned at the launch of the preparation process in May 2021 and winter 2021 setting out what is involved and timescales;

- Additional text explaining in more detail the groups we will seek to involve in plan preparation; and
- Addition of further bodies requested in responses to consultation to the general consultation body list in Appendix A and in order to broaden the engagement and reach out to a wider range of group addition of contacts in Council's equalities network, local community groups and the Councils social media channels.

Final Review Report

10. 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.
11. 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 2021-2036. In this respect, it is recognised that the significant scale, complexity and over-lapping nature of issues to be addressed in a Replacement LDP, together with the need to respond to the issues arising out of the Covid-19 pandemic, 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.
12. Importantly, the preparation of a Replacement LDP provides an opportunity to aid the recovery of the city from the impacts of the pandemic and 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 as part of a comprehensive review process which will then represent a new and updated evidence base to inform the Replacement Plan.
13. 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 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.

14. In line with national guidance, consideration must be given to the scope for preparing a Joint LDP. However, it is noted that 8 of the 9 other Local Authorities in South East Wales are already in the process of preparing, or have already completed their own Replacement LDPs with no examples of a joint approach. The remaining Local Authority (the Vale of Glamorgan) have not yet reached the Plan Review stage due to a later Plan adoption date and it is not considered that there are sufficient synergies to warrant the preparation of a Joint LDP. 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

15. 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 3.5 years from the formal commencement of the Plan-making 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	Draft Review Report and Delivery Agreement consultation and submission of Final Review Report to Welsh Government	Jan 2021	March 2021
2	Evidence Base Preparation <ul style="list-style-type: none"> • Call for candidate sites - 12 weeks • Consultation on ISA Scoping Report – 8 weeks 	Dec 2020 May 2021 May 2021	June 2023 Aug 2021 July 2021
3	Pre-Deposit Participation <ul style="list-style-type: none"> • Consultation on draft vision/issues/objectives - 8 weeks • Consultation on strategic options -10 weeks 	March 2021 May 2021 Nov 2021	Sept 2022 July 2021 Feb 2022

4	Consultation on Preferred Strategy and ISA Initial Report – 8 weeks statutory consultation	Oct 2022	Nov 2022
5	Consultation on Deposit Plan and Final ISA Report – 8 weeks statutory consultation	Oct 2023	Nov 2023
Indicative		From	To
6	Submission	March 2024	
7	Examination	March 2024	Sept 2024
8	Inspectors Report	Sept 2024	
9	Adoption by Council	October 2024	
10	Monitoring and production of 1 st AMR	October 2025	

16. 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.
17. The Community Involvement Scheme (CIS) 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.
18. The pandemic has resulted in the need to revisit the consultation and engagement principles set out in the CIS. Welsh Government guidance issued in July 2020 outlines a range of different engagement options including the use of larger venues, longer consultation periods, appointments, increased use of web-based technology and other electronic means. The CIS incorporated in the Final DA takes into account this guidance and includes measures to respond to potential future waves of infection and the need to maintain social distancing. These include longer consultation periods, use of virtual drop in exhibitions, podcasts, on-line surveys and other electronic means aimed at accessing hard to reach groups.

19. The Final DA 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 late May 2021. 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 the consideration of the Integrated Sustainability Appraisal Report in September 2021 following consultation in summer 2021 along with reporting the 4th and 5th Annual Monitoring Reports for the current LDP.

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 (as amended) 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 (2020) 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. Reference has been made within paragraphs 3 to 19 of this report to in the statutory requirements for a full review of the Council's Local Development Plan.
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->

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 included 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. The first call on costs is the £300,000 single year allocation which is in a reserve and there needs to be careful monitoring of the planned spend as the year progresses and work required is clearer for future years. The future costs of which will need to be considered in the context of the Council's medium term financial plan competing against other priorities.

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

Subject to Cabinet agreement at Cabinet on 18 March 2021, Council is recommended to approve the Final Review Report and Final Delivery Agreement and authorise their submission to Welsh Government.

The Cabinet
11 March 2021

The following Appendices are attached:

Appendix 1 – Final Review Report, March 2021

Appendix 2 – Final Delivery Agreement, March 2021

Appendix 3 – Summary of comments received and Council responses and Recommendations