

RESPONSE TO THE ENVIRONMENTAL COMMITTEE JOINT TASK AND FINISH GROUP INQUIRY ON THE REPLACEMENT LOCAL DELIVERY PLAN – STRATEGIC AND DELIVERY OPTIONS

Purpose of the Report

1. To give Members the opportunity to review the Cabinet response to the Environmental Committee's Joint Task and Finish Inquiry in relation to the replacement Local Development Plan – strategic and delivery options.

Structure of the Papers

2. To facilitate Members' scrutiny, the following appendices are attached to this report:
 - **Appendix 1** – Cabinet Report
 - **Appendix 2** – Joint Scrutiny Task & Finish letter to Cllr Wild
 - **Appendix 3** – Draft response to the recommendations

Background

3. Scrutiny of the first stage of the Replacement Local Development Plan (RLDP) by the five Scrutiny Committees in September 2021 resulted in a collective letter being sent to Cabinet. Following this, Scrutiny Committees in October 2021 supported the establishment of a Task and Finish Group to undertake further RLDP scrutiny. The group was led by the Environmental Scrutiny Committee, with representation from all 5 Scrutiny Committees to ensure that all aspects affected by the RLDP could be considered.
4. Following initial scoping meetings, Members agreed the following terms of reference:
 - *To explore, scrutinise and act as a consultee on the Strategic Options for the Replacement LDP focusing on how these have addressed:*
 - *Accessibility and Inclusivity*

- *One Planet Cardiff.*
 - *To review the Council's consultation process to date; to examine its effectiveness and make recommendations for future consultation on the next stages of the Replacement LDP*
 - *To understand the supporting rationale for the projected growth provided by Welsh Government in order to consider whether the evidence base is robust, realistic, and viable.*
 - *To consider how Cardiff's replacement LDP and the Strategic Options are aligned with regional planning.*
 - *To hear and consider views of stakeholders to inform the recommendations of Scrutiny on both the Strategic Options and the Council's consultation processes.*
 - *To coordinate and provide a single joint response from the Scrutiny Committees.*
 - *To make recommendations that will inform the decisions and considerations that the Council's Executive will make in the development of the Preferred Strategy.*
 - *To make recommendations that will inform any future scrutiny of the replacement LDP.*
5. The Task and Finish Group has held five meetings to hear evidence from internal and external witnesses.
 6. As part of the Inquiry, Scrutiny Research issued a Call for Evidence, seeking stakeholder views on the consultation process and on the strategic options. A total of 18 responses were received. Two summaries, one focused on the consultation process and one on the strategic options, were presented to the Inquiry by Scrutiny Research, highlighting key findings from the responses.
 7. Following the meeting in November 2021 to consider the consultation process, the Task and Finish Group sent a letter to Cllr Wild, Cabinet Member – Strategic Planning and Transport, setting out recommendations aimed at improving the ongoing consultation on the Strategic and Delivery Options. A response to this letter was received, accepting all the recommendations bar one, which was partially accepted. In addition, all the recommendations resulting from the scrutiny in September 2021 were accepted.
 8. The final evidence gathering meeting was held on 31 January 2022. At this meeting, the Task and Finish Group were informed that the scrutiny officer supporting the Inquiry was leaving the authority mid-February 2022 and that therefore there was limited resource to complete the usual Inquiry Report.

9. The Task and Finish Group considered the next stages of the Inquiry and decided it was best for the scrutiny officer to:
 - focus on capturing the key findings for the Inquiry and to formulate these into matrices, indicating the evidence supporting the findings
 - draft a letter to Cllr Wild, highlighting the headline findings and including the recommendations sent earlier regarding the consultation process. In addition, the matrices would be shared as attachments to evidence these findings and recommendations
 - share the non-confidential Call for Evidence submissions with planning officers, to enable them to be counted and considered as consultation responses on the Strategic Options.
10. The Task and Finish Group met on 2 March 2022 to review the letter, key findings, recommendations, and attachments. Some amendments were agreed, and these were incorporated into the documents, and six recommendations were made in total.
11. The recommendations were formally taken to Cabinet on 14 July 2022

Response

12. The formal response to each of the six recommendations can be found in Appendix 5.2 (or App B to the Cabinet report).
13. **Point 7**, whilst acknowledging the work undertaken by Scrutiny, strongly rejects the findings in relation to the recommendation that “*the evidence and key findings in relation to the Corporate consultation process for the Strategic and Delivery Options contained within this letter and the attached matrix (Appendix F) are used to inform and develop the consultation process for the Preferred Strategy and all other consultation processes for future stages of the RLDP*”. This recommendation was partially accepted
14. It is noted in **point 9**, that up to this point only ‘informal’ consultation has taken place and the ‘formal’ consultation process in relation to the Preferred Strategy will take place in early 2023.

15. **Points 10 – 19** outlines the consultation process, with the public and key stakeholders, that officers have undertaken during the development of the Replacement LDP to date, and notes the limitations in face to face consultation during the pandemic and the emphasis that was subsequently made on social media channels.

16. The remaining five recommendation are accepted and this is noted in **point 20**.

Legal Implications

17. None noted

Financial Implications

18. None noted

HR Implications

19. None noted

Property Implications

20. None noted

Proposed Recommendations to Cabinet

21. The report to Cabinet contains the following recommendations:

- *‘Cabinet is recommended to approve the response to the recommendations of the Environmental Scrutiny Committee Joint Task and Finish Group on the Replacement Local Development Plan – Strategic and Delivery Options as set out in the Appendix’*

Way Forward

22. Councillor Dan De’ Ath (Cabinet Member –Transport & Strategic Planning) will be invited to make a statement and answer questions. Andrew Gregory (Director of Planning, Transport and Environment), and Simon Gilbert (Head of Planning) will also attend to answer Members’ questions.

Legal Implications

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- i. Consider the Cabinet responses to the recommendations,*
- ii. Agree timescales for the implementation of the recommendations, and*
- iii. Consider if sufficient information has been received to 'close' the recommendations.*

DAVINA FIORE

Director of Governance & Legal Services

4 November 2022