

**Adroddiad i Gyngor Dinas
Caerdydd**

**Report to Cardiff City
Council**

gan;

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Dyddiad: 05/01/2016

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Date: 05/01/2016

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 64

**REPORT ON THE EXAMINATION INTO THE
CARDIFF LOCAL DEVELOPMENT PLAN
2006 - 2026**

Plan submitted for examination on 14th August 2014

Examination Hearings held between 13th January and 27th February 2015
and on 28th and 29th September 2015

Cyf ffeil/File ref: LDP/Z6815/14/515993

Non-Technical Summary

This report concludes that, subject to the recommended Matters Arising Changes (MACs) set out in Appendices A and B, the Cardiff Local Development Plan 2006 - 2026 (LDP) provides an appropriate basis for the planning of the City up to 2026. The Council has sufficient evidence to support the strategy and has shown that it has a realistic prospect of being delivered. A number of changes are needed to meet legal and statutory requirements and to ensure that the Plan is sound. These do not alter the thrust of the Council’s overall strategy and do not undermine the Sustainability Appraisal carried out by the Council. The main changes are summarised as:

- Revised housing requirement to reflect consideration of Welsh Government (WG) 2011-based population and household projections and inclusion of the flexibility allowance figure within the overall housing target;
- Improved clarity on how and when the required housing – together with any required flexibility allowance - will come forward;
- Extend non-strategic housing allocation H1.3 and delete non-strategic health employment site;
- Delete the Gypsy & Traveller allocation and include a timetable to identify and deliver a new site or sites within the Plan and the monitoring framework;
- Provide new policies for each of the strategic sites to include infrastructure requirements and master planning principles;
- Set out the affordable housing requirement in the Plan including the tenure mix;
- Clarify that affordable housing provision should be provided on site unless there are exceptional circumstances;
- Provide more clarity on the timing and phasing of infrastructure for the strategic sites by including categories of infrastructure in the policies and more detail in the Infrastructure Plan;
- State that planning obligations will be sought where they satisfy WG Circular 13/97 and the Community Infrastructure Levy Regulation 122(2);
- Improved clarity that development will need to show that it has maximised achievement towards the 50:50 modal transport split target;
- Provide more details of the bus corridor enhancements and rapid transit corridors in the Plan and greater clarity about the distinction between them;
- Provide a new policy for the planned Metro to ensure development won’t prejudice this regionally important project by safeguarding land where routes are known;
- Include a new policy setting out criteria for employment proposals to come forward on unallocated land;
- Inclusion of the hierarchy of retail centres in the Plan;
- Change the Green Belt designation to Green Wedge;
- Include a statement in the Plan of how the needs and interests of the Welsh language have been taken into account;
- Changes to settlement boundaries to more closely follow defined physical features;
- Changes to Minerals policies including a new comprehensive policy relating to mineral safeguarding;
- Deletion of the site proposed to be allocated for Waste;
- Changes to policy wording to reflect national planning policy more closely and ensure their effectiveness; and
- Changes to the monitoring framework developing the targets and indicators in more detail to improve monitoring.

Almost all of the recommended changes have been put forward by the Council in response to matters discussed during the examination. With the recommended changes the Plan satisfies the requirements of section 64(5) of the 2004 Act and meets the tests of soundness.

Contents

1	Introduction	3
2	Procedural Tests	5
3	The Overall Plan Strategy	6
4	Housing Provision, including Allocated Housing Sites	13
5	Affordable Housing Provision	24
6	Gypsy & Traveller Sites	28
7	Sustainable Transport and Infrastructure	30
8	The Economy & Employment, including Retail	38
9	Settlement Boundaries and Green Belt	49
10	Natural Environment, Natural Resources & Green Infrastructure	52
11	Historic Heritage	54
12	Minerals	55
13	Waste	58
14	Other Development Management & Policy Considerations	60
15	Plan Monitoring, Implementation & Review	62
16	Overall Conclusions	63

Appendix A: The Council’s proposed changes recommended by the Inspectors

Appendix B: Inspector Matters Arising Changes

1 Introduction

- 1.1. Under the terms of Section 64(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a Local Development Plan is to determine:
 - a) whether it satisfies the requirements of sections 62 and 63 of the Act and of regulations under section 77, and
 - b) whether it is sound.
- 1.2. This report contains the assessment of the Cardiff Local Development Plan 2006 - 2026 (from here referred to as “the LDP” or “the Plan”) in terms of the above matters, along with recommendations and the reasons for them, as required by section 64(7) of the Act. The submitted LDP has been prepared pursuant to the Act and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 came into force in August 2015. These amend the 2005 regulations and, as the changes relate primarily to plan revision procedures and the alternative sites stage, they have no bearing on this examination.
- 1.3. Chapter 2 of Planning Policy Wales (PPW) has been updated in the light of the new regulations and a new LDP Manual has been published. The new Manual includes revised soundness tests, which have been reduced from ten to three although the principles underpinning them remain the same. The LDP has been prepared on the basis of the previous tests, but as the principles remain unchanged, there was no need to seek views from the participants on the impact of the new tests on the soundness of the Plan. Subject to the changes set out in the Appendices, we are satisfied that the LDP accords with national policy.
- 1.4. Since the purpose of the examination is to determine whether the Plan is sound we recommend changes in this report only where there is a clear need to amend the Plan in the light of the legal requirements and/or the tests of soundness. These binding changes are numbered in **bold** and are highlighted in Appendices A and B of this report, where they are highlighted. We are satisfied that these changes are in line with the substance of the overall Plan and its policies, and do not undermine the Sustainability Appraisal (SA) and participatory processes that have been undertaken.
- 1.5. All duly made representations and the matters raised at the examination Hearings have been considered. Given the focus of the examination on soundness, our report does not refer specifically to the individual representations made in each case. Matters raised by individual representations are referred to only where it is considered that they raise substantive issues concerning the Plan’s soundness. Plan changes sought by any representor are the subject of a recommended change only where we have found, on the basis of the evidence, that such a change is required to make the Plan sound.

Post-Deposit Changes

- 1.6. Prior to submission of the LDP for examination the Council considered the representations received and determined that no substantive changes to the deposit Plan were required. It did, however, identify minor changes which it wished to make to the deposit Plan. We have reviewed these minor changes and are satisfied that none would alter the Plan in any substantive manner and that they are not related to soundness. It is for the Council to determine whether or not to incorporate these changes into the final version of the Plan. This report does not consider these minor changes.

Recommended Changes

- 1.7. The Council has prepared a range of Matters Arising Changes (MACs) following the discussions at the Hearing sessions¹. These MACs were subject to public consultation for a period of 6 weeks and publicised on the examination website. At the same time the Council reassessed the SA of the Plan in the light of the changes. We considered the consultation responses and held additional Hearings where we required further information or clarity in respect of some aspects of the Plan and the MACs. Further consequential amendments were considered necessary and the Council carried out SA² and a further 6 week consultation on the additional MACs³. We have taken into account all the representations made in coming to our conclusions in this report.
- 1.8. Almost all of the MACs put forward by the Council are needed as the Plan would be unsound without them. However, in a small minority of cases MACs have been put forward which, although providing helpful additional clarity and precision, are not strictly required to make the Plan sound. Accordingly these are not the subject of a binding recommendation, although we understand the Council’s wish to incorporate them. The MACs numbered in **bold type** in this report and highlighted in Appendix A are changes put forward that are required to make the Plan sound. These are all addressed in this report, where the relevant MAC number is similarly identified in bold type.
- 1.9. Appendix B sets out the additional changes (Inspector Matters Arising Changes) (IMACs) not proposed by the Council, but which we have concluded on the evidence are also needed to make the Plan sound. None of the changes undermine the SA, Strategic Environment Assessment (SEA) and Habitats Regulations Assessment (HRA) or the overall strategy or policy thrust within the Plan.
- 1.10. The Council has also identified some outstanding typographical or factual errors in the submitted Plan that it wishes to correct. We authorise any final editorial changes of this nature, together with any other presentational matters and consequential changes flowing from agreed MACs and the recommended IMACs such as altered policy cross-references, map title amendments, site area or numerical changes and paragraph numberings.

¹ City of Cardiff Council Draft Matters Arising Changes Schedule: May 2015

² Final SA Report revised reflecting May and October 2015 Draft MAC Schedule

³ Additional Matters Arising Schedule Final Version October 2015

2 Procedural Tests

- 2.1. The LDP has been prepared in accordance with the Delivery Agreement (as revised by agreement with the WG)⁴ and the Community Involvement Scheme as demonstrated in the Consultation Report. Concern was expressed that no substantive changes were proposed to the Plan by the Council as a result of the deposit stage public consultation. However, the Council are not obliged to make such changes. The Council engaged with a wide range of organisations and the general public on the generation of alternative strategies and options and identifying key issues. A number of conferences for consultees and public events were also held. We are satisfied that the requirements of the Community Involvement Scheme have been met.
- 2.2. All proposed changes made to the deposit Plan have been advertised and consulted on. The Plan thus complies with the requirements of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) in this respect, including in relation to consultation, advertisement and the publication and availability of prescribed documents.
- 2.3. The Plan has been subject to SA including Strategic Environmental Assessment (SEA)⁵. The SA provides a summary of the strategic alternatives considered and a brief summary of reasons why they were not selected. Further changes put forward by the Council as part of the examination process have likewise been tested where necessary for any impacts they have upon the SA and SEA⁶. We are satisfied that the SA/SEA process undertaken is robust and satisfies procedural and legal requirements.
- 2.4. In accordance with the Habitats Directive⁷ a Habitats Regulations Assessment (HRA) of the Plan has been undertaken⁸, and reviewed as necessary in the light of changes put forward during the examination⁹. We are satisfied that the results of the HRA Screening demonstrate that an Appropriate Assessment is not required. It can therefore be concluded that no significant effects upon the integrity of the European sites¹⁰ within the plan area or in adjacent areas are likely to occur (either alone or in combination with other plans or projects) as a result of implementing the Plan.
- 2.5. The Public Sector Equality Duty requires the Council to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. The Council has undertaken and publicised an Equality Impact Assessment of the LDP¹¹ to ensure that equality issues have been taken into account throughout the Plan preparation process. This has been an iterative process to ensure that the LDP promotes equality and diversity and does not adversely affect or discriminate against any people who are protected under the Equality Act 2010.

⁴ Revised Delivery Agreement approved by Welsh Government dated 5 December 2011

⁵ Cardiff LDP Final Sustainability Appraisal Report (September 2013)

⁶ Final SA Report revised reflecting May and October 2015 Draft MAC Schedule

⁷ European Union Habitats Directive (92/43/EEC)

⁸ Deposit Plan HRA Report (September 2013)

⁹ HRA revised reflecting May and October 2015 Draft MAC Schedule

¹⁰ As defined in PPW paragraph 2.3.13

¹¹ Background Technical Paper 3: Equality Impact Assessment Report (September 2013)

- 2.6. Changes to the Plan Introduction as proposed in **MAC1** would improve the Plan’s clarity by setting out the up-to-date position in respect of the additional assessments undertaken.

Conclusion

- 2.7. Accordingly, the relevant procedural and legal requirements have been complied with.

3 The Overall Plan Strategy

The Vision, Objectives and Principles of the Strategy

- 3.1. The LDP Vision reflects the priorities for Cardiff and the Capital Region in the Wales Spatial Plan (WSP), which recognises that the success of the region relies on Cardiff developing its capital functions in order for the area to work as a networked city region, to provide an appropriate quality of life for all and to be able to compete with comparable areas in the UK and EU for investment and growth. The vision recognises the key role that Cardiff plays. The LDP objectives seek to respond in spatial terms to the identified economic and social needs in a co-ordinated way that sets out a framework for delivering the sustainable neighbourhoods of the future as part of a connected, sustainable city.

Greenfield Development and the Loss of Agricultural Land

- 3.2. In assessing the appropriate level of growth required to satisfy the evidenced economic and social needs, the Council considered the extent of development that could realistically be delivered over the Plan period as well as the environmental impact upon Cardiff and the wider area. Opportunities to maximise the re-use of previously-developed land were sought and an assessment of the availability of brownfield land for residential development and potential housing land within the urban areas was undertaken¹².
- 3.3. Whilst brownfield sites have made the biggest contribution to dwelling completions in recent years, this has narrowed the range and choice of provision with a focus on high density developments, mostly apartments in Cardiff Bay. The regeneration of Cardiff Bay has reduced large-scale brownfield development opportunities. In preparing the strategy, the Council recognised that whilst brownfield sites would be likely to form a significant source of supply, in order to meet housing growth aspirations and deliver a range and choice of housing, greenfield housing sites would also be required. Several spatial options were explored but given the levels of growth set out in each of the alternatives considered by the Council; together with the finite capacity of brownfield sites to deliver the requisite amount of homes and jobs; it was recognised that all options would necessitate significant release of greenfield land.

¹² Background Technical Paper 2: Urban Capacity Study (Updated May 2014)

- 3.4. In the assessment of sites, the Council considered a number of factors including whether development of the site would be likely to have an impact on natural resources such as agricultural land. The Council says that there is no definitive map of agricultural land quality in Cardiff but the Welsh Government (WG) Agricultural Land Classification maps were used as a starting point. These indicate that the best and most versatile (BMV) agricultural land exists in parts of the west, north and east of Cardiff. Further information provided by the WG on the strategic candidate sites indicated the high, moderate or low probability of there being BMV agricultural land on these sites. This, together with submitted information in support of candidate sites and local surveys, was used to inform the site selection process.
- 3.5. Development of large-scale greenfield strategic sites would lead to the loss of BMV agricultural land. However, this has to be weighed against the need to provide a range and choice of new jobs and homes to meet evidenced need¹³. The Council acknowledges that there is insufficient brownfield or lower grade agricultural land within the area to accommodate the scale of development necessary for the Plan period. The evidence has shown the difficulties in achieving agriculture potential in those areas which lie adjacent to the urban fringe. The Council also recognises that much of the lower grade agricultural land in Cardiff correlates with areas of high landscape value such as the Garth Mountain and the Caerphilly Mountain Ridge which provide a strategically significant landscape setting and backdrop to Cardiff and are generally poor locations for development given their topography. Overall, we consider that the benefits of retaining the land in agricultural use would not outweigh the advantages of providing the identified requirement for housing and employment development on these sites.
- 3.6. Opportunities for the LDP to provide a mechanism to manage impacts and effectively mitigate potential harm have also been explored. The provision of new infrastructure is an important element of the strategy. The Council acknowledged that new greenfield releases, and the scale of strategic sites proposed to be allocated, would enable more comprehensive solutions and significant improvements to be delivered. It would also facilitate contributions towards the wider provision of strategic infrastructure, including infrastructure linked to the implementation of the sustainable transport strategy, thereby bringing wide-ranging benefits to the City as a whole. Notwithstanding the scale of existing housing commitments, there remains a need to identify significant amounts of additional housing land to meet overall requirements up to 2026 and provide flexibility and choice to provide for a 5-year supply of deliverable sites. We are satisfied that the Council has considered reasonable alternatives in terms of the level of growth to be accommodated during the Plan period. There is a limited supply of potential housing land within existing built up areas and the allocation of strategic sites and significant extensions to existing settlements are inevitable if sufficient housing is to be delivered.

The Distribution of Development Growth

- 3.7. One of the Plan’s key priorities is to make provision for new homes and jobs. Key strategic sites are defined in the LDP as being sites of 500 homes or more

¹³ City of Cardiff Response to Action Point 6, Hearing 1 (Examination Document AP1.6)

and/or with significant employment/mixed-uses and which have the potential to deliver significant benefits to the City. Two brownfield and 6 greenfield strategic sites are proposed to be allocated:

Strategic Site A: Cardiff Central Enterprise Zone & Regional Transport Hub

3.8. The proposed allocation of this City centre strategic mixed-use site represents an employment-led initiative at Cardiff Central Enterprise Zone to deliver major employment opportunities focussed on financial and business services and to maximise the advantages of its location adjacent to the Central Rail Station and Bus Station through development of a Regional Transport Hub.

Strategic Site B: Former Gas Works, Ferry Road

3.9. The allocation of this centrally-located strategic brownfield site would provide an opportunity to develop approximately 500 dwellings over the Plan period as well as to improve existing pedestrian and cycling links.

Strategic Site C: North West Cardiff

3.10. The largest of the strategic sites, Strategic Site C is approximately 346 ha located to the west of Radyr, Fairwater and Pentrebanne and north of St Fagans. A development of approximately 5,000 new homes is proposed within the Plan period at this strategic site together with a number of other uses including education, community, recreation and primary health care facilities, employment and retail/commercial use as part of the development of District and Local Centres. It would also provide for bus-based Rapid Transit Corridors through the site and a new Transport Hub.

Strategic Site D: North of Junction 33 on M4

3.11. A mixed-use allocation of approximately 2,000 dwellings, employment and associated community uses is proposed at this strategic site together with bus-based Rapid Transit Corridors through the site and a park and ride facility.

Strategic Site E: South of Creigiau

3.12. It is proposed to allocate this site for approximately 650 dwellings. Strategic Sites D and E are adjacent to one another, separated by Llantrisant Road. It is proposed to develop an overall Master Plan for both sites which would reflect site-specific requirements for each site whilst ensuring a comprehensive approach is taken to development.

Strategic Site F: North East Cardiff (West of Pontprennau)

3.13. A mixed-use allocation of approximately 4,500 new homes, employment and education uses and District and Local Centres to include community and leisure facilities is proposed together with bus-based Rapid Transit Corridors through the site.

Strategic Site G: East of Pontprennau Link Road

- 3.14. It is proposed to allocate the site for approximately 1,300 new dwellings together with associated education and community uses including a Local Centre and provision of bus-based Rapid Transit Corridors through the site.

Strategic Site H: South of St Mellons Business Park (Employment only)

- 3.15. The site is adjacent to the St Mellons Business Park and would offer an opportunity to provide appropriate accommodation for high value and knowledge-based employment sectors, such as advanced manufacturing, research and development as well as the growth of indigenous businesses. It is outside the City centre but close to the strategic highway network and would afford an opportunity to provide additional bus services, a park and ride facility, a transport hub including a new rail station as well as improved walking and cycling facilities to maximise access from neighbouring communities. It would be immediately accessible to a large residential population with high unemployment.
- 3.16. The concentration of new housing and development growth on these strategic sites partly reflects their clear potential to deliver significant numbers of new homes and jobs in a relatively short timescale, alongside the provision of necessary new infrastructure, services and facilities to support growth and to help achieve the Plan’s aims and objectives. Together, these allocations would be able to provide an appropriate range of size and types of new housing across the area and provide reasonable choice and some flexibility for the house building industry. The involvement of national house builders in many of the allocated sites in the Plan should also assist early delivery in most cases.

Master Planning Principles

- 3.17. The Master Planning general principles are set out in Policy KP4: ‘Masterplanning Approach’ which seeks to ensure that major development schemes are planned in a comprehensive and integrated manner setting out the phasing of development and provision of supporting infrastructure. The Masterplanning Framework document sets out a broad framework for development of the strategic sites described as “schematic frameworks”. These site-specific frameworks give an indication of land uses, transportation measures and information on the indicative densities, infrastructure and phasing of these sites and are intended to act as a starting point for development of further, more detailed design.
- 3.18. In conjunction with this process, the Council and developers of the strategic sites produced ‘Statements of Common Ground’ for the examination which set out a trajectory of housing provision over the plan period (where relevant), a summary of infrastructure requirements and updated the schematic framework diagrams for each site. It was agreed during the examination that including this level of detail in the Plan itself, rather than in the supporting documentation would provide a greater level of clarity in respect of the infrastructure and master planning requirements of each of the strategic sites and more certainty that they would be delivered as planned. As such, a new key policy for each of the strategic sites is proposed to be included in the Plan to follow KP2: ‘Strategic Sites’ numbered KP2 (A) to KP2 (H) (**MAC5**). The policies would identify the approximate quantum of various key uses and a summary of the main infrastructure requirements together with a cross-reference to the Cardiff

Infrastructure Plan which would be regularly updated and linked to the Plan’s monitoring framework. The policies would retain a degree of flexibility as more details would be provided in future master plans. However, sufficient detail would be provided at the strategic stage to assist in bringing forward the sites.

- 3.19. Key requirements would be set out within these new policies with reasoned justification providing supporting detail and site-specific schematic frameworks. In addition, consequential changes to the reasoned justification to Policy KP2: ‘Strategic Sites’ and Policy KP4: ‘Masterplanning Approach’ are proposed (**MAC5, MAC6**) which would make reference to the new strategic site-specific policies. These changes are considered necessary to ensure that sufficient policy detail is embedded within the Plan to enable all relevant factors which will influence the delivery of the strategic sites to be taken into consideration and to improve the Plan’s clarity and certainty.
- 3.20. Strategic Site A comprises land in numerous ownerships and would be developed by a number of different developers. Proposed new Policy KP2 (A) would provide an overarching master planning and infrastructure planning framework setting out the infrastructure requirements together with indicative densities of development and other master planning requirements such as the need to create destination spaces with active uses which complement the business offer, clearly defined pedestrian routes and addressing potential impacts on Conservation Areas and Listed Buildings within and adjoining the site.
- 3.21. The new policy would also set out the necessary transport and highways infrastructure including the Regional Transport Hub which would link different forms of transport and improvements to existing bus-routes and services and enhanced pedestrian and cycling access. The schematic framework would provide an indication of the walking and cycling routes and bus-based rapid transit corridor as well as the proposed land uses.
- 3.22. Strategic Site B is owned by a single landowner and the new Policy KP2 (B) would assist in ensuring that the site is developed in a comprehensive manner by providing indicative development densities and establishing development principles such as the need to respond to landscape and heritage assets as well as addressing any impacts on biodiversity assets and nature conservation.
- 3.23. New policy KP2 (C) would set out the necessary infrastructure and land-uses for Strategic Site C including employment, District and Local Centres, new schools, transport and highways infrastructure as well as the need to respond to, and address potential impacts on, heritage and nature conservation assets including the St Fagans Conservation Area and Listed Buildings within and adjacent to the site. It would also provide an indication of the densities and phasing of development throughout the site. Development and transport would need to integrate with the adjoining areas of Pentrebane, Fairwater and Radyr.
- 3.24. Proposed new Policy KP2 (D & E) would set out that the mixed-use development at Strategic Sites D and E should be undertaken in a comprehensive manner. The layouts of these sites should reflect the inter-relationships between the sites with the initial phases including the provision of the park and ride facility together with public transport enhancement measures. It would include the necessary infrastructure requirements together with an indication of the

location of the Park and Ride facility, a District/Local Centre, employment and other land uses and development densities. Other key master planning requirements would include the need for a landscape buffer between employment and residential uses and the M4 motorway to reduce impact and to effectively respond to landscape, heritage and biodiversity assets.

- 3.25. The second largest site, Strategic Site F, is proposed to be allocated to the west of Pontprennau. The proposed new Policy KP2 (F) would set out the key master planning requirements and land uses to include residential, employment, District/Local Centres and community facilities. It would provide an indication of how development would be phased, how it should proceed in light of constraints such as the C2 Flood Zone area and proximity of the M4 motorway and the range of densities required. The Policy would also set out the necessary transport, highways and other infrastructure required both on-site and off-site together with the need to respond effectively to landscape quality and heritage and biodiversity assets.
- 3.26. The necessary infrastructure and land use components of Strategic Site G, would be set out in the proposed new policy KP2 (G). This would include the provision of education, primary care and community facilities and on-site and off-site transport and highways improvements. The policy would also indicate the required density and indicative phasing of development as well as the need to respond to the landscape, heritage and nature conservation assets of the site.
- 3.27. The requirement for Strategic Site H to be developed in a comprehensive manner, providing a high quality development similar to the existing business park at St Mellons, would be set out in proposed new Policy KP2 (H). It would specify the necessary infrastructure to be provided, including transport improvements and provision of a transport hub that would include a new rail station and park and ride facility. It would also include other master planning key requirements such as flood mitigation, measures to protect nature conservation, biodiversity, heritage and archaeological assets and the need to respond to landscape considerations.

The Effect on the Welsh Language

- 3.28. PPW says that local planning authorities should consider whether they have communities where the use of the Welsh language is part of the social fabric, and that where this is so it should be taken into account in the formulation of land use policies¹⁴. Whilst ways of assessing whether the Welsh language is part of the social fabric of the community is not prescribed, the WG’s National Action Plan for a Bilingual Wales *Iaith Pawb* says that in communities where Welsh is spoken by over 70% of the local population, Welsh is more likely to be spoken in social, leisure and business activities and not just in the home or at school. It is within these areas that Welsh is considered to be a living everyday language and part of the fabric of the community and where LDP policies and proposals could affect the linguistic balance of an area.

¹⁴ Planning Policy Wales paragraph 4.13.2

- 3.29. The 2011 Census shows that 11% of the population of Cardiff speaks Welsh with some electoral divisions recording a higher percentage such as Canton (19.1%), Pentyrch (18.5%) and Creigiau/St Fagan’s (18.2%). These levels are significantly below the 70% threshold identified in Iaith Pawb and are not considered to be sufficiently high for development proposals in the Plan to have a detrimental impact upon the Welsh language in terms of linguistic balance. Furthermore, an Equalities Impact Assessment undertaken as part of the Plan preparation process did not identify any changes required to the Plan in respect of the effect on use of the Welsh language.
- 3.30. However, PPW says that development plans should include a statement on how they have taken the needs and interests of the Welsh language into account in plan preparation. In order to comply with this requirement, the Council propose to include a statement to that effect (**MAC2**). We are satisfied that the potential impact of the LDP on the Welsh language has been adequately considered. Subject to this change, and based on the evidence, the Plan would accord with national planning policy and is considered to be soundly based.

Relevant Plans, Policies and Strategies in Adjoining Areas

- 3.31. In preparing the Plan, the Council has worked with its neighbouring authorities on an individual basis and through regional frameworks to consider cross-boundary and wider contextual issues. The Council set up a working group made up of officers from the 10 south-east Wales local planning authorities and other participating organisations in the South East Wales Strategic Planning Group. A number of workshops were held to discuss the cross-boundary implications of the emerging issues in the preparation of the LDP¹⁵.
- 3.32. The area around Llantrisant and North West Cardiff is identified in the WSP as a Strategic Opportunity Area (SOA). The designation of SOAs is intended to offer potential regional benefits from their sustainable development and to act as a vehicle to promote good cross-boundary working. The WSP says that substantial growth of housing in the City Coastal Zone should be compatible with the health of housing markets in the Heads of the Valleys and Connections Corridor. Neighbouring authorities generally support the growth of the City and recognise its role in helping to spread prosperity within the wider area. It is recognised also that the Council needs to allocate sufficient land for housing and employment to meet the projected needs of the City.
- 3.33. Whilst Rhondda Cynon Taf County Borough Council (RCT) has not objected to the proposed land allocations, or to their scale, it raised concerns about the transportation implications of development of the strategic sites to the North West of Cardiff (Strategic Sites C, D and E). It was confirmed during the examination that the Council is engaged in on-going dialogue with officers in RCT regarding the transport infrastructure requirements for sites in North West Cardiff including measures to secure bus rapid transit connections along the A4119 corridor. This dialogue includes engagement with WG regarding long-term proposals for a rail based transport route extending north-west to Rhondda Cynon Taf and planned collaboration on a joint cross-border strategy designed to deliver improvements along this corridor (see details in the

¹⁵ Summary of Cross-Boundary Working (September 2013)

Transport section below). The joint working is intended to feed into the review of RCT’s LDP and to help strengthen the focus on cross-border linkages through the LDP process.

- 3.34. Where cross-boundary issues are relevant, and subject to the changes recommended in this report, the LDP is compatible with the development plans and relevant strategies prepared by neighbouring authorities.

Conclusion

- 3.35. The development strategy rightly seeks to steer the majority of development during the remaining Plan period to the strategic sites which would provide access to jobs, services and public transport. At the same time it recognises the need for development (albeit on a lesser scale) across numerous suitable locations and provides for a degree of choice and flexibility in terms of potential sites. The distribution of new housing and development proposed is appropriate, given the economies of scale and concentration of new infrastructure that is likely to assist delivery, particularly of the strategic sites. These conclusions are borne out by the conclusions of the SA/SEA work and the same would not apply to a more dispersed pattern of new housing growth, incorporating smaller scale schemes across the City. Accordingly, subject to the proposed changes set out above, the general distribution of housing and development growth put forward in the Plan is soundly based and is consistent with national planning policy and the WSP.

4 Housing Provision, including Allocated Housing Sites

The Level of Housing Growth

- 4.1. The submitted Plan identified a housing requirement of 41,100 dwellings between 2006 and 2026. This was based on the WG’s 2008-based household projections together with recommendations from Edge Analytics whom the Council commissioned to evaluate a range of growth options including a number of migration-led and dwelling-led scenarios. In all scenarios, household growth was assessed using assumptions from the WG 2008-based household projection model. Sensitivity analysis was also undertaken using evidence from the Department of Local Government and Communities (DCLG) 2011-based household model for Local Planning Authorities in England to estimate the likely impact that the WG 2011-based household projections might have.
- 4.2. Ten alternative scenarios were considered, culminating in a recommended housing growth target range of between 42,500 – 43,000 over the Plan period (Scenarios F and G). It was also recommended that the Council consider a reduced rate of household formation on the basis of the sensitivity analysis and a reduced vacancy rate in light of Council targets. The Council considered the report’s findings and chose Scenario G as the preferred option, though reduced the vacancy rate from 3.74% to 3% to reflect the previous rate in the 2001 Census and the Council’s intentions to bring the rate down. The resultant housing requirement identified was 41,100 dwellings. The Council excluded any reduction allowance for “un-attributable population change” into assumptions for future migration or reductions in household formation rates which would

have reduced the housing requirement by 10%¹⁶. In the absence of any data to substantiate the need for any reduction, the Council considered that such an approach would carry significant risks for the soundness of the Plan.

- 4.3. The WG 2011-based household projections were published in February 2014 after the Plan was prepared. These projections indicated that the housing requirement for Cardiff over the Plan period would be 44,400 new dwellings¹⁷, equating at that time to 2,674 units per annum over the remainder of the Plan period (2014 to 2026). Subsequently, the WG’s evidence submitted to the examination indicates that the 2011-based household projections for Cardiff over the Plan period amount to 44,742 dwellings¹⁸. Either figure would represent a significantly higher annual build rate than previous rates, though the Council recognised that the low build rate in part reflected the long absence of an up-to-date development plan and referenced the build-up of latent demand, given the extensive development of brownfield sites for apartments, and a need for new family housing.
- 4.4. In response to the Inspectors’ request for further evidence and clarification during the examination Hearings, the Council reconsidered the implications of excluding the “un-attributable population change” (UPC) component from the growth calculation. Following this more recent analysis, the Council concluded that it would be appropriate to include the UPC at the local level. This is due in part to likely discrepancies in the Census estimates for 2001 or 2011 or in the migration flows. If the discrepancies are in the migration flows then projecting forward based on the estimated past flows will introduce errors into the projections. Whilst the Council originally discounted the un-attributable element, consistent with the approach ONS have taken at the national level, the more recent analysis shows potential implications in neglecting this at the local level. Edge Analytics also reconfirmed their recommendation to include it in the assessment of the future housing requirement for the Plan¹⁹.
- 4.5. The Council also reviewed the 3% vacancy rate and amended it in light of the most up-to-date evidence from the 2011 Census which indicates a vacancy rate of 3.74%²⁰. In addition, the Council reassessed the recommendation by Edge Analytics to apply a 10% sensitivity reduction in household formation rates in light of publication of the WG 2011-based household projections which show a lower rate of household growth when compared to the 2008-based household projections²¹.
- 4.6. The proposed modifications to the analysis of the housing requirement as outlined above would result in a slight increase in the number of dwellings required over the Plan period from 41,100 to 41,415. Consequently, the Council proposes an amendment to Policy KP1: ‘Level of Growth’ to reflect the updated figure as well as changes to the reasoned justification (**MAC4**). The changes set out that the proposed level of growth is based on up-to-date

¹⁶ Cardiff Population & Household Forecasts: Updating the Evidence (June 2013)

¹⁷ Background Technical Paper 1: Population & Housing (Updated May 2014)

¹⁸ Welsh Government Hearing Statement to Hearing Session 3 (January 2015)

¹⁹ Council Response to Housing Related Action Points: Action Point 4 of Hearing Session 3

²⁰ Council Response to Housing Related Action Points: Action Point 3 of Hearing Session 3

²¹ Council Response to Housing Related Action Points: Action Point 2 of Hearing Session 3

evidence and analysis of a number of relevant factors and represents the most appropriate target for the Plan.

- 4.7. Whilst this is still lower than the WG 2011-based household projections, the Council has taken the WG’s 2008-based household projections as the starting point for assessing housing requirements, in accordance with national planning policy²² and has reviewed the figure in light of subsequent population and household projections. It has analysed a range of housing, economic and demographic forecasts and trends to provide the most reliable basis upon which to assess the LDP’s future housing requirement. The LDP provision for housing, as proposed to be amended, is supported by a robust evidence base. It is considered that this figure is in line with the projections and that the Plan’s level of housing growth is soundly based.

Housing Supply

- 4.8. The supporting text to Policy KP1 includes a table (as amended by **MAC4**) which provides a detailed breakdown of how it is intended to provide for the 41,415 new dwellings over the Plan period. This table includes the number of dwelling completions from 2006 to 2014 recorded from Council tax data. This differs from the approach taken by some other local planning authorities who have used data from their Joint Housing Land Availability Studies (JHLAS).
- 4.9. In response to discussions at the relevant Hearing and the Inspectors’ request for justification for the use of Council tax data, the Council submitted additional evidence²³. This cited inaccuracies in Cardiff’s historic JHLAS data such as the number of completions reported annually not reflecting changes to dwelling stock as a result of subdivision of property. Furthermore, JHLAS are concerned with recording and forecasting housing completions for the purpose of monitoring a 5 year housing land supply and do not record wider changes such as those arising from demolitions, residential development resulting in a net loss of dwellings or change of use from residential to non-residential use. There is no prescribed way of calculating the number of completions and in these circumstances we are satisfied that the ONS/Valuation Agency data on changes to Council tax presented in the evidence base provides a more accurate measurement of the change in dwelling stock over the period 2006-14.
- 4.10. An allowance of 20% was factored into the calculation of housing provision for possible reduced dwelling yield on brownfield sites with planning permission and some sites with planning permission subject to a Section 106 planning obligation (S106). In response to the Inspectors’ request for evidence to justify the 20% non-delivery allowance, the Council revisited the analysis of the housing land bank to identify changes to the number of dwellings being proposed on existing sites over the previous two years²⁴. Whilst there has been a reduction in anticipated dwellings on a few large sites, on the whole there has been a general trend for an increase in anticipated dwellings compared to previous years which may be in response to improved market conditions.

²² PPW paragraph 9.2.2

²³ Council Response to Housing Related Action Points: Action Point 5 of Hearing Session 3

²⁴ Council Response to Housing Related Action Points: Action Point 6 of Hearing Session 3

- 4.11. Consequently, the Council propose to reduce this flexibility allowance to 15% which it considers to be more appropriate and realistic in light of the assessment of the most recent data and the evidence of improved market conditions more generally. Given the analysis and consideration of relevant prevailing factors within Cardiff’s housing market, we are satisfied that this is an appropriate adjustment. Furthermore, regular monitoring will ensure that this allowance is accurately reflected in future reviews of the Plan. In revisiting the figures the Council identified that the flexibility allowance had been mistakenly applied to two strategic sites. The flexibility allowance has subsequently been amended so that these sites are now excluded from the calculation of the allowance.
- 4.12. The Council proposes to show key commitments (those strategic housing developments with planning permission for over 500 dwellings) on the Proposals Map. Furthermore, a list of sites with planning permission for 10 or more dwellings would be provided as an Appendix to the Plan. This list would show detailed information relating to the number of dwellings not started, those under construction and those completed (**MAC71** and **MAC PM5**). These changes would provide a greater level of detail and clarity regarding the supply and delivery of housing and are thus supported.
- 4.13. The soundness tests require LDPs to be reasonably flexible to enable them to deal with changing circumstances. The submitted Plan included an overall flexibility allowance of 10% (4,000 dwellings) over the Plan period. Areas for future development were identified by way of arrows on the Proposals Map together with part of Strategic Site C, and it was proposed that any necessary additional land would be brought forward via a review of the Plan should a need be identified through annual monitoring. Further to discussions at the Hearings, the Inspectors requested additional clarity on what level of flexibility should be provided in the Plan, how this would be provided and where, in terms of its spatial distribution, any necessary additional housing would be delivered.
- 4.14. It has generally been accepted that a 10% contingency would provide the required level of flexibility but more or less may be acceptable depending on the circumstances of each case. The Council considers that 10% would be appropriate and would provide the right level of additional land should flexibility be needed to allow for non-delivery of sites and unforeseen issues. It is thus proposed to amend Policy KP1 to make reference to the total provision to be made for 45,415 new dwellings over the Plan period which would include a 4,000 dwelling flexibility allowance (**MAC4**). It is also proposed to replace the arrows with spatial boundaries that would be identified on the Proposals Map (**MAC PM2**).
- 4.15. The sites forming extensions to Strategic Site D, north of Junction 33 of the M4 and Strategic Site C, north of Llantrisant Road have been the subject of SA but are not included within the strategic site allocations. The need for these extensions would only be triggered through monitoring and through future Plan review. Additional explanatory text is also proposed to be included in the reasoned justification to new Policies KP2 (C) and KP2 (D and E) explaining how the release of these further sites would be triggered if required and how they would fit in with the wider master planning of the strategic sites. Proposed changes to the monitoring framework would result in a more precise set of

triggers for additional sites to come forward, thereby providing additional clarity in respect of the timing of the release of the additional sites (**MAC75**).

Five-Year Supply of Land for Housing

- 4.16. PPW is clear that Local Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing²⁵. In response to the Inspectors’ request for information prior to the Hearings, the Council prepared a statement²⁶ to show how a 5-year supply of land for housing would be provided once the LDP was adopted. Agreed data in the JHLAS published in November 2014 was used as a starting point and an analysis was undertaken of factors contributing to the latter years of the 5-year period (2020-21) where no agreed JHLAS data exists. This included data on annual anticipated build rates which were agreed with landowners and developers in the Statements of Common Ground (SCG).
- 4.17. Other contributing factors such as windfalls and minor adjustments reflecting past build rates were also included. Windfall assumptions contained in the background evidence²⁷ were used to estimate the number of units likely to be completed in 2019-20 and 2020-21 on sites of over 10 units and through change of use applications. The study indicates that, using a base date of 1 April 2016, Cardiff would have a 5.1 years supply of housing land. This was calculated using the residual method. Subsequent to this, a revised Technical Advice Note (TAN) 1: ‘Joint Housing Land Availability Studies’²⁸ was published in January 2015. The Council considered the effect of the updated guidance on the calculation of the housing land supply²⁹.
- 4.18. Several changes were introduced in the revised TAN 1 including a new stipulation that for housing to be included in the 5-year housing land supply it must fall within the C3 use class. Cardiff’s 2014 JHLAS contains a number of student developments that fall outside this use class. Removing these developments would result in the loss of 480 units from the housing supply. The Council says that there are other considerations, not least the fact that household projections within the submitted LDP exclude the population “not-in-households” (i.e. the communal/institutional population such as those in prisons, residential care homes and student halls of residence). Any students that live in accommodation not included in the “communal establishment” category, such as private student apartments, are included within the household calculations.
- 4.19. The policy changes occurred during the examination. There are practical difficulties in estimating the number of private householders living in non-C3 accommodation as census/ONS data does not differentiate between use classes. As the change in policy occurred during the examination, and in the absence of any revised guidance on how to distinguish between these components to arrive at an accurate dwelling requirement, it has not been possible for the Council to

²⁵ PPW paragraph 9.2.3

²⁶ Statement indicating how the Plan will meet the 5-year supply of housing land, December 2014

²⁷ Background Technical Paper No 1: Population and Housing (Updated May 2014)

²⁸ PPW Technical Advice Note (TAN) 1: ‘Joint Housing Land Availability Studies’

²⁹ Council Response to Housing Related Action Points: Action Point 1 of Hearing Session 5

develop an updated robust methodology. Nonetheless, for illustrative purposes, the Council considered the impact of removing 480 units from the housing supply. This would result in a total housing land supply of 4.9 years. However, as the Council has included the non-C3 housing component in the dwelling requirement of the submitted Plan, we agree that any reduction made on the supply side would be likely to be balanced by a reduction on the demand side.

- 4.20. The updated TAN 1 also allows for sites with a resolution to grant planning permission subject to the signing of a S106 Agreement to be included within the supply, where there is clear evidence that the S106 will be signed shortly, even if more than 12 months has elapsed since the date of the resolution to grant planning permission. This will need to be considered in agreement of the JHLAS on a case-by-case basis based on the available evidence³⁰. The Council says that more sites would have been included in the housing land supply had this provision been in place at the time of the 2014 JHLAS. The Former Arjo Wiggins Paper Mill Site is the subject of a S106 Agreement signed on 28 July 2014. Site clearance and ground works have commenced and a significant number of pre-commencement conditions have been discharged. Current indications are that this site would be likely to be developed within 5 years. A S106 Agreement was signed in respect of 130 – 132 Bute Street on 17 June 2014. The site is under construction and would have been included in the JHLAS. Phasing for these sites has been taken from the agreed 2014 JHLAS. Collectively they would add 769 units to the 5 year housing land supply.
- 4.21. The Council’s updated table³¹ includes these additional units as well as reflecting the impact of removing student accommodation. This shows a 5.2 year housing land supply. In addition, the Council has shown an amended table to reflect the revised dwelling requirement (41,415) and adjusted to exclude student accommodation and to include 769 units subject to S106 Agreements as referred to above. This indicates that there would be a 5.2 year supply of housing land at 1 April 2016. It is proposed to include these changes in the amended Policy KP1 (**MAC4**). The ‘JHLAS’ exercise undertaken by the Council can only provide an insight and the housing supply estimates have not been tested through a JHLAS process. However, the Council has identified land which it considers will meet housing requirement for the next 5 years and this provides a useful indication of the sources of supply that will assist subsequent monitoring. We are satisfied that current indications are that there would be at least a 5-year supply of housing land upon adoption of the Plan.

Housing Delivery

The Contribution from Strategic and Non-Strategic Allocated Sites

- 4.22. SCG between the Council, developers and landowners or agents of strategic sites B to H were submitted to the examination before the Hearings. The SCG each included a trajectory of housing provision for the remainder of the Plan period (2015 to 2026) as well as setting out infrastructure requirements based on information derived from the LDP Infrastructure Plan (IP). The same information was also provided for Strategic Site A and annual anticipated build

³⁰ PPW Technical Advice Note (TAN) 1: ‘Joint Housing Land Availability Studies’ paragraph 4.3.1

³¹ Council Response to Housing Related Action Points: Action Point 1 of Hearing Session 5

rates have been agreed between developers, landowners, agents and the Council on all non-strategic sites allocated in the Plan. In addition, updated information has been included in the IP to provide a list of infrastructure, estimated costs, potential funding sources and lead delivery body. The timescales for delivery have also been amended to provide a more accurate guideline. The trajectories show that these allocations will provide the level of housing needed over the Plan period and we consider that they take a reasonable approach to the delivery of new homes from these large strategic proposals, including likely start dates and annual rates of completion. Nevertheless, they can only be a broad estimate of likely new housing delivery, and will have to be regularly reviewed through the plan’s monitoring process.

- 4.23. The Council acknowledges that build rates for the remainder of the Plan will need to be higher than in previous years to deliver the required level of housing. A wide range and choice of allocations in terms of brownfield and greenfield sites, strategic and non-strategic sites and in terms of geographical spread is proposed to ensure that the sites can be developed concurrently. The long-term absence of an adopted Plan being in place with allocations that could be developed, particularly greenfield sites, has resulted in a high “pent-up” demand for new homes. This, together with improving market conditions, supports a higher future build rate.
- 4.24. Representors raised concerns that development of the strategic sites could create a “monopoly” whereby developers would control the release of housing to manage/limit supply and increase house prices. In response to the Inspectors’ request at the Hearings, the Council sought the input of the house building industry to demonstrate that complementary delivery could be achieved between different developers on strategic sites without delay for reasons related to competition such as phasing development to influence market demand.
- 4.25. A briefing note was produced by Nathaniel Lichfield & Partners (NLP) on behalf of the landowners of strategic site C and their development partners, Redrow Homes³². The note confirms that the agreed housing trajectory is achievable owing to historic constraint on the release of suitable sites for family housing, the geographical spread of the strategic sites and the range and choice in housing types that will be offered. It is also supported by research conducted by NLP into housing delivery rates on major residential sites based on schemes built over the last 15 years. Strategic site C shares many characteristics with sites analysed in the north of Bristol and East Devon and both of these sites delivered in excess of 450 units per annum when the housing market was still in recovery.
- 4.26. There is little evidence to suggest that developers will phase delivery on an arbitrary basis. We agree it would seem reasonable to assume that build rates of over 500 units per annum can be achieved within 4 years of Plan adoption on sites that are configured to contain several sales outlets and where there is strong market demand. All the available evidence, including the Economic Viability Study³³, indicates that both the timing and total of new housing would

³² Council Response to Housing Related Action Points: Action Point 7 of Hearing Session 3

³³ Community Infrastructure Levy Economic Viability Study: Final Report by PBA (August 2014)

be largely viable and essentially deliverable over the Plan period. Although it is acknowledged that the delivery rates would be challenging, the Council’s proposed updated evidence in the Infrastructure Plan³⁴ (as referred to in **MAC8**) is essentially robust, up-to-date and credible with no insurmountable barriers to development apparent in relation to the strategic sites. Whilst this conclusion is based on the current position, continuing strengthening of the national and local economy would only reinforce this judgement.

- 4.27. The viability evidence is sufficient to demonstrate that the strategic sites should be deliverable with sufficient “critical mass” to support the provision of necessary infrastructure and community facilities/services. The Master Planning approach, as set out in the new policies KP2 (A) to KP2 (H), will set out in detail the necessary infrastructure to ensure the delivery of those sites. Moreover, with a variety of strategic sites identified, the Plan’s overall strategy does not rely on any one or more specific elements of new infrastructure having to be in place before the delivery of the development envisaged by the Plan. Consequently, it provides a reasonable degree of flexibility regarding delivery in the event that one or more of the strategic sites does not come forward as expected for whatever reason. Furthermore, the updated trajectories within the IP linked to infrastructure requirements for each of the strategic sites would provide the necessary certainty with regard to delivery to ensure a continuous supply of housing throughout the Plan period.
- 4.28. In most cases, the allocated sites have active developer interest. There is nothing to suggest that there are any insurmountable barriers to the development of the strategic sites. Some have planning permission or Council resolutions to permit, subject to legal agreements. Planning applications have also been submitted on a number of sites which shows the commitment from developers to deliver homes as soon as possible. This also indicates that the allocations have been subject to detailed viability and deliverability assessments. A significant number of dwellings are currently under construction which would be able to provide for part of the identified housing need in the early stages of the Plan. Moreover, there are no phasing restrictions in the Plan that might hinder an enhanced rate of delivery should that prove viable on any strategic site, or elsewhere. In the light of all the above, there would be no justification for any such measures in any event.
- 4.29. To supplement the housing delivered through the strategic allocations, the Plan allocates nine non-strategic housing sites. These sites have been tabulated in Policy H1: ‘Non-Strategic Housing Sites’, although the contribution each site would make to the supply has been subject to change in response to evidence arising from the Examination. **MAC18** amends Policy H1 to reflect the most up to date information.
- 4.30. Concerns were raised at the Hearings that four of the non-strategic housing sites (H1.1: ‘Land at Areas 9-12 St Mellons; H1.2’: ‘Land Rear of Clive Street’; H1.4: ‘Former Lansdowne Hospital’; and H1.7: ‘Ely Bridge Farm’) are located, at least in part, within the C1 Flood Zone as defined by the most up-to-date Development Advice Maps (DAMs). In response, the Council provided further

³⁴ Cardiff Infrastructure Plan (Working Draft 27th November 2015)

justification for the allocation of these sites³⁵, in accordance with the requirements of PPW and Technical Advice Note (TAN) 15: ‘Development and Flood Risk’.

- 4.31. Site H1.1 is located to the south of St Mellons at the edge of an existing settlement which could be described as being on the urban fringe. It falls within a deprived area described in the context of the Index of Multiple Deprivation 2011 as Cardiff’s ‘Southern Arc of Deprivation’³⁶. It does not constitute previously developed land and as such, the allocation fails to meet all of the tests set out in TAN 15. Nevertheless, a flood consequences assessment has found that the consequences of a flooding event would be acceptable and, given that it would form part of the Council’s Housing Partnership Programme, the development would deliver approximately 150 residential units of which some 40% would be affordable. As such, the allocation would contribute significantly to the identified need for affordable housing in a deprived area, would complement the proposed employment allocations and go some way to sustaining the existing settlement. On this basis, the advantages far outweigh the fact that the site is not previously developed and, for this reason, we are satisfied that it represents a sound allocation.
- 4.32. Site H1.2 comprises a former railway embankment and therefore meets the definition of previously developed land. The site would also make an important contribution to the local housing stock, providing a different offer to that provided through the large greenfield strategic sites, thereby serving to sustain the existing settlement. The consequences of a flooding event have been satisfactorily demonstrated to be acceptable and, for these reasons, the allocation is fully compliant with the provisions of TAN 15. Moreover, with no insurmountable constraints to development, the allocation would be capable of delivering some 80 dwellings within the five year period following the adoption of the Plan.
- 4.33. Site H1.4 meets the definition of previously developed land by virtue of its former use as a hospital and the contribution it would make to the local housing supply would help sustain the existing settlement. Concerns have been raised in relation to whether flood risk on site can be mitigated in accordance with TAN 15 requirements. However, a Position Statement³⁷ has been agreed by the Council, the site proponent and Natural Resources Wales (NRW), identifying two potential means of alleviating flood risk within the plan period. Flood mitigation measures would be funded within the overall viability of the scheme and, given that the intention is now for the site to be developed as apartments, the estimate of 75 units remains realistic and deliverable within the plan period. As the site can be delivered in accordance with national policy requirements, it represents a sound allocation.
- 4.34. Site H1.7 comprises previously developed land by virtue of the buildings on site and a flood consequences assessment has been submitted to demonstrate that the consequences of a flooding event would be acceptable. The site benefits from a relatively recent grant of planning permission for 41 affordable homes

³⁵ Council Response to Action Point 2 of Hearing Session 9

³⁶ Final SA Report revised reflecting May and October 2015 Draft MAC Schedule

³⁷ Position Statement in Response to Action Point 3 of Hearing Session 20 (October 2015)

and would help sustain the existing settlement. As there are few constraints to development, it is anticipated that the site could be delivered within the early years of the plan. Such information has been reflected in the proposed revisions to Policy H1 (**MAC18**) and, on this basis, the allocation is demonstrated to be soundly based.

- 4.35. Site H1.3: ‘Rookwood Hospital’ is currently occupied by health care facilities and was allocated within the deposit LDP for some 80 residential units. Alternative site AS (B) 1 proposed a modest extension to the allocation to better reflect the extent of the area likely to become surplus to requirements by the NHS. In light of this evidence, the Council proposes, through **MAC18** and **MAC PM3**, to extend the allocation from approximately 2.9 ha to 3.4 ha, effectively increasing the capacity to some 90 units. This proposed change would provide greater certainty and would ensure consistency between the allocation and any subsequent proposal submitted through the development management process. The proposed change has been subject to the necessary SA and preparatory processes, including necessary public consultations, and we are satisfied that it would not undermine the outcomes of the original SA.
- 4.36. Concerns were raised through representations that the development of site H1.3 would have adverse consequences for the site’s natural and built heritage assets. However, nothing has been submitted to suggest that such matters could not be adequately addressed through the development management process. Meanwhile, nothing has been submitted to demonstrate that concerns relating to localised traffic congestion would be materially different from existing or other permissible uses. Accordingly, the allocation, as amended by **MAC18** and **MAC PM3**, complies with the tests of soundness.
- 4.37. The contribution H1.5: ‘Land at Dan-y-Garth, Pentyrch’ would make to the housing provision has been amended through **MAC18** to 47 units. This reflects a relatively recent grant of planning permission. The site abuts the existing built form of Pentyrch and does not have any insurmountable constraints to development. The site is therefore capable of contributing to the immediate five year land supply and is soundly based. Likewise, **MAC18** also amends Policy H1 to reflect the grant of planning permission for 64 residential units at site H1.6: ‘Land at Former St John’s College’. There are no significant barriers to the development of the site and, for this reason its allocation is considered sound.
- 4.38. Site H1.8: ‘Electrocoin Automatics Ltd, Caerphilly Road’ would result in the loss of a former industrial site. However, the site is currently vacant and not considered an important site within the context of the LDP’s employment strategy. Moreover, given the adjacent residential uses, the site would be suitable for housing development and capable of delivering approximately 20 units within the 5 years following the adoption of the Plan. Likewise, whilst H1.9: ‘Land at Mill Road, Tongwynlais’ is only allocated for approximately 5 residential units, it would be capable of providing a modest level of growth in the village of Tongwynlais immediately after the adoption of the Plan. Nothing has been submitted to indicate that a change is necessary with respect to these allocations.
- 4.39. For these reasons, we are satisfied that the non-strategic housing allocations would provide for a range and choice of housing sites that are capable of being

delivered within the plan period. They provide for a different offer to that provided through the allocation of the strategic sites and would provide for some 572 dwellings over the Plan period.

- 4.40. The Council produced a composite table showing housing provision for the remainder of the Plan period to include anticipated contributions from windfalls, changes of use and commitments as well as anticipated rates of delivery for the allocated sites. It is proposed that the table would be included in the supporting text to Policy KP1 (**MAC4**). This change would offer additional clarification and would provide an accurate basis upon which to plan to meet the identified housing requirement. A housing trajectory would be included within the revised monitoring framework (**MAC75**) which would enable regular monitoring of housing completions on the allocated sites as well as the rate of small sites and windfalls coming forward. This would indicate when sites were not delivering dwellings as anticipated and would trigger a review of the Plan.

The Contribution from Windfalls

- 4.41. The Plan makes an allowance for 4,807 dwellings to come forward from windfall sites which would represent approximately 11% of the total housing supply. To place this in context, the allocations would comprise approximately 35% of the new dwelling requirement with existing consents comprising approximately 26% of the total and the remainder anticipated from new household formation and dwellings delivered from the start of the Plan period. The reliance on windfalls would thus not be disproportionate.
- 4.42. The windfall allowance is based on the rate of windfalls that have come forward in the past 10 years, but reduced by a rate of 40% to reflect the constrained housing land supply over this period and in recognition that the potential for windfalls to be achieved at the same rate will be diminished over time. However, it is anticipated that the opportunities for windfall development would continue over the Plan period and the Council point to the potential for windfalls arising from the likely review of education sites and institutions as well as the redevelopment of existing buildings. For example, some 460 homes are the subject of windfall applications received since the Plan was submitted including the BBC site at Llandaff, Caerau Nurseries and the Hamadryad Centre. Other potential sources of future windfalls have also been identified in the Council’s Urban Capacity Study³⁸. There is thus a strong likelihood that windfall sites in Cardiff will continue to come forward.

Alternative Sites

- 4.43. A number of representors propose alternative sites to those allocated in the Plan, most notably for housing development. Some may consider that the allocations in the Plan do not present the best solution but we are limited by statute and can only recommend a change to make the Plan sound. We cannot seek to make a sound Plan better. The Council considers that it has produced a strategy, policies and allocations that are sound. The Plan makes satisfactory provision for the delivery of housing in a manner consistent with the development strategy. Subject to the recommended changes set out above,

³⁸ Background Technical Paper 2: Urban Capacity Study (Updated May 2014)

the Plan is thus sound in respect of its general housing provisions without inclusion of further sites.

Conclusion

4.44. There will be sufficient land allocated to ensure the delivery of 41,415 homes within the Plan period. A significant proportion of the housing allocations are the subject of planning applications and in some cases, benefit either from planning permission or a resolution to grant planning permission, subject to the signing of a S106 Agreement. Whilst the delivery rate would be challenging, there is a high level of demand and interest from major house builders. Sufficient land is proposed to be allocated and current indications are that a 5-year supply of housing land would be provided. There is adequate evidence to support the Council’s assessment of the potential supply of housing land. A robust and thorough assessment has been undertaken using reasonable assumptions in terms of whether sites are deliverable and over what timescale. The Council, together with landowners and developers, have shown that the allocations can be delivered and there is confidence that the Plan can provide the number of houses required. Furthermore, additional flexibility could be delivered, as set out in Policy KP1, through a future review of the Plan.

5 Affordable Housing Provision

Affordable Housing Need

- 5.1. A Local Housing Market Assessment (LHMA) was published in 2008 and updated in 2013³⁹ to take account of amendments to the requirements of LHMA as set out in PPW⁴⁰. The updated calculations of the affordable housing requirement as set out in this assessment indicate that there is an annual requirement for 3,989 affordable dwellings from 2013 to 2018. The likely tenure profile required by households resident in Cardiff in 13 years’ time in comparison to the tenure profile recorded currently indicates that 62.4% of new dwellings should be market properties, with 4.6% intermediate housing and 33% social rented accommodation⁴¹. It is proposed to include a new paragraph in the Plan which would set out the level of affordable housing required (**MAC13**). This would improve the Plan’s clarity.
- 5.2. Following discussions at the Hearings, the Council was asked to determine whether there was a backlog of need for affordable dwellings from the start of the Plan period 2006 to 2013 and to calculate any residual requirement once all sources of supply, including allocations, commitments and windfalls had been taken into account. The updated evidence identifies a backlog of 1,695 units from 2006 to 2014⁴². However, it is evident from the LHMA that any need arising from the start of the Plan period would have been factored into the overall assessment of housing need as set out in the LHMA Guide⁴³. We are thus content that the LHMA findings are based on a robust assessment of need.

³⁹ Local Housing Market Assessment Update (July 2013)

⁴⁰ Planning Policy Wales paragraph 9.1.4

⁴¹ Local Housing Market Assessment Update (July 2013): Table 6.4.

⁴² Council Response to Action Point 1 of Hearing Session 4

⁴³ Local Housing Market Assessment Guide (March 2006)

Provision of Affordable Housing

- 5.3. The submitted Plan set a target to deliver 6,953 affordable dwellings over the remaining Plan period (2013 – 2026) which would equate to 535 units per annum. This figure was based on an estimate of the likely number of affordable homes that would be provided via the LDP housing allocations, windfalls and proposals for change of use based on the Plan’s affordable housing contribution targets in Policy H3: ‘Affordable Housing’. The total affordable housing target also takes into account the current landbank of affordable units, less a 15% flexibility allowance. Some affordable housing may also come forward from other sources, such as on sites or in units acquired by social housing providers.
- 5.4. Policy H3, as submitted for examination, sought a contribution of 20% affordable housing on brownfield sites and a 30% contribution on greenfield sites on proposals that contain 10 or more dwellings or sites of 0.3 ha or above in gross site area. The findings of the LDP Economic Viability Report⁴⁴ informed the affordable housing contribution targets. The findings were based on viability appraisals of a range of different development types and sites across Cardiff with varying levels of affordable housing. The assessments included a calculation for necessary infrastructure which could be achieved through S106 Obligations and/or Community Infrastructure Levy (CIL) charges which would be consistent with Policy KP6: ‘New Infrastructure’.
- 5.5. The report says that the LDP affordable housing contribution targets of 30% on greenfield sites and 20% on brownfield sites would be viable. However, at the Hearings the Inspectors sought clarification that 20% affordable housing would be justified on large brownfield sites. The Council’s response⁴⁵ says that the viability assessment was undertaken at a high level across a representative number of hypothetical development typologies rather than a detailed assessment of individual sites and allocations. Whilst this approach is consistent with the advice in the Harman Report⁴⁶, the Council undertook further viability assessments which were informed by real situations in developments in Cardiff consistent with the scale and location of sites in the Plan⁴⁷. These detailed appraisals show that development remains viable with a 30% affordable housing target on greenfield sites and 20% on brownfield sites with sufficient headroom to make a contribution towards necessary infrastructure.
- 5.6. The Economic Viability Report also confirms that the LHMA recommended tenure split (40% social rented, 40% intermediate rented and 20% low cost home ownership) was used to inform the viability calculations. It is proposed to amend the reasoned justification to Policy H3 to provide a broad tenure mix (**MAC19**) which would help support delivery of the type of housing required.

⁴⁴ Cardiff LDP Viability Testing: Economic Viability Report (September 2013)

⁴⁵ Council Response to Action Point 11 of Hearing Session 4

⁴⁶ Viability Testing Local Plans: Advice for Planning Practitioners (June 2012)

⁴⁷ Council Response to Action Point 11 of Hearing Session 4

- 5.7. At the Hearings the Inspectors requested additional clarification⁴⁸ on some of the data in the Economic Viability Report, including any differences in assumptions between that report and the CIL Economic Viability Study published in 2014⁴⁹. The Council provided additional clarification including a table to show the differences between the 2013 and 2014 studies, to explain why values have changed for some assumptions and to identify any implications for viability. Both studies generally took a high level approach to viability testing in line with CIL Regulations and guidance offered by Harman⁵⁰. The lower land values in the 2014 report would be expected to improve viability. However, the Council response showed that a combination of changes to other assumptions, such as build costs, resulted in only a marginal difference.
- 5.8. In light of the identified level of affordable housing required, it was explored at the Hearings whether all policy options had been adequately pursued in order to maximise the provision of affordable homes. The Council was asked to provide a rationale for its approach to achieving affordable housing targets rather than pursuing a more spatial approach based on market values. The Council says that the viability appraisals have been undertaken across a range of site typologies across Cardiff. Additional testing on sites consistent in scale and location to those identified in the LDP has also been undertaken. This is consistent with advice in Harman which suggests a proportionate approach via testing a range of site typologies reflecting the mix of sites upon which the Plan relies. The purpose is to provide high level assurance that the policies within the Plan are set in a way that is compatible with the likely economic viability of development needed to deliver the Plan.
- 5.9. Whilst different housing market areas were identified for the LHMA the viability assessments undertaken do not conclude that a differential rate applied according to those areas, could be supported. The Council’s evidence shows that whilst viability will vary between locations, the largest factor for sites identified in the Plan are in terms of costs, particularly land values and opening up costs, and the largest differences would be between greenfield and brownfield sites rather than specific locations. The distinction between greenfield and brownfield sites has been made in recognition of the likely site specific infrastructure costs (such as onsite provision of schools on strategic sites) being generally higher on greenfield sites⁵¹.
- 5.10. The Council’s Economic Viability Report indicates that the threshold, for which development schemes could make a contribution to the provision of affordable housing, could be reduced. In seeking to maximise opportunities for affordable housing provision, the Council proposes a number of changes to Policy H3 including reducing the threshold to 5 units and the site size to 0.1 ha. Amendments would be made to criterion iii. seeking to ensure that sites are not developed in a piecemeal way and to maximize affordable housing provision where adjacent sites are being developed. It is also proposed to amend the policy to state that affordable housing will be sought to be delivered on-site unless there are exceptional circumstances (**MAC19**). The requirement for

⁴⁸ Council Response to Action Points 3-18 of Hearing Session 4

⁴⁹ Cardiff Community Infrastructure Levy: Economic Viability Study Final Report (August 2014)

⁵⁰ Viability Testing Local Plans: Advice for Planning Practitioners (June 2012)

⁵¹ Council Response to Action Point 10 of Hearing Session 4

evidence of need is also proposed to be removed as the need for affordable housing has been established through the LHMA. These changes would ensure that the policy more closely aligns with national planning policy⁵².

- 5.11. The supporting text to Policy H3 refers to the requirement for all housing developments of 50 or more dwellings to be accompanied by an independent viability assessment. This is not fully justified in the evidence and in cases where agreement cannot be reached on affordable housing contributions an independent assessment would need to be provided in any case. It is also clear from the preceding text that each proposal’s actual contribution would depend on the scheme’s capacity for provision. Changes proposed by the Council in **MAC19** would remove the requirement for independent assessment on all developments of 50 or more dwellings. It is considered that these changes would improve the Plan’s clarity and consistency of interpretation.
- 5.12. To take these proposed amendments into account, the Council has subsequently provided an updated breakdown of the anticipated residual affordable housing provision when assessed against all sources of supply, including allocations, commitments and windfalls⁵³. This shows the anticipated number of affordable dwellings to be provided over the remainder of the Plan period (2014 – 2026) to be 6,646. Consequential changes to Policy KP13: ‘Responding to Evidenced Social Needs’ and the supporting text are proposed in **MAC13** to reflect this updated position.
- 5.13. Whilst the affordable housing target has slightly reduced from that of the submitted Plan, it is not a significant reduction and the target is more accurate. The Council has considered during the examination ways in which the Plan might realistically increase affordable housing delivery, given the shortfall in the number of affordable dwellings expected to be delivered compared to the level of need identified. The Council has sought to maximise affordable housing provision whilst taking into account the viability of developing potential sites, the anticipated future level of financial assistance in building new affordable homes and the level of developer contribution that can be realistically sought.
- 5.14. Proposed changes to the monitoring framework (**MAC75**) would include an indicator to effectively monitor the delivery of affordable housing over the Plan period. The new paragraph as proposed in **MAC13** would also make clear that the affordable housing target would not meet the total identified need and that the Plan is only one of a variety of means to achieving a supply of affordable housing. The Plan seeks an appropriate balance between the contribution from development to the provision of infrastructure and achieving a viable level of affordable housing. This is consistent with PPW which requires the level of developer contribution that can realistically be sought when setting affordable housing targets to be taken into account⁵⁴. Monitoring would ensure that affordable homes were being delivered in accordance with the strategy and overall the strategy is considered sufficiently flexible to deal with future changes.

⁵² Planning Policy Wales paragraph 9.2.17

⁵³ Council Response to Action Point 1 of Hearing Session 4

⁵⁴ Planning Policy Wales paragraph 9.2.16

Conclusion

- 5.15. We are satisfied that the evidence supports the need to seek affordable housing provision at the level envisaged and the proportions sought on brownfield and greenfield sites reflect available evidence. Policy H3, as proposed to be amended by **MAC19**, would set out a clear yet flexible approach which would take into account the effect on the viability of development along with other site specific factors. Subject to those changes proposed by the Council as set out above, we find the Plan’s approach to affordable housing sound.

6 Gypsy & Traveller Sites

Level of Need for Permanent Sites and Plan Allocation

- 6.1. There are two Council-managed Gypsy and Traveller residential sites in Cardiff at Rover Way and Shirenewton. There are also a few privately run sites, most notably next to the Council’s site at Shirenewton. The sites generate a need for new pitches. The Council commissioned an independent study⁵⁵, carried out in consultation with the Gypsy and Traveller community, to assess the level of need for permanent and transit sites over the Plan period. The level of need identified for the remainder of the Plan period (2013 – 2026) was 108 additional permanent pitches. This comprises a current need for 43 pitches and a future need for 65 pitches.
- 6.2. The submitted Plan allocates land for the provision for Gypsy and Traveller accommodation at Seawall Road via Policy H7: ‘Allocation Policy for Gypsy and Traveller Site’ which would accommodate 65 new pitches. However, the site is within a Zone C2 floodplain, as identified by the TAN 15 Development Advice Maps (DAMs)⁵⁶. This position remains unchanged with the update to the DAMs in January 2015. TAN 15 says that sites in Zone C2 should not be allocated for highly vulnerable development⁵⁷, such as residential premises which includes caravan parks. WG Circular 30/2007 says that Gypsy and Traveller sites should not be located in areas at high risk of flooding given the particular vulnerability of caravans.
- 6.3. The Council’s study into potential sites rejected it on the basis of it being within Flood Zone C2⁵⁸. The allocation was based on the findings of the Phase 2 Strategic Flood Consequences Assessment (SFCA) which indicated that flood risk would be within current guidelines for development conditions but that flooding would become an issue when considering the impact of rising sea levels in future years. However, national planning policy advises that flooding consequence assessments should ensure that the development meets an acceptable standard of flood defence for the design life of the development⁵⁹.
- 6.4. Moreover, national planning policy also requires a sequential approach to the location of development in areas at high risk of flooding. The objective is to

⁵⁵ Gypsy and Traveller Accommodation Needs Study (April 2013)

⁵⁶ PPW Technical Advice Note (TAN) 15: ‘Development and Flood Risk’

⁵⁷ PPW Technical Advice Note (TAN) 15: ‘Development and Flood Risk’ paragraph 10.8

⁵⁸ Gypsy, Traveller and Travelling Showpeople Sites Study: Final Report (July 2013)

⁵⁹ PPW Technical Advice Note (TAN) 15: ‘Development and Flood Risk’ Appendix 1, E) paragraph 8

move away from flood defence and the mitigation of the consequences of new development in areas of flood hazard towards a more positive avoidance of development in those areas⁶⁰. Flood defence enhancement schemes are currently planned as part of a wider scheme that would reduce flood risk on the site. However, in light of the site’s location in Flood Zone C2 the allocation would conflict with TAN 15 and soundness tests.

- 6.5. Consequently, the Council proposes to delete the allocation and Policy H7 (**MAC22, MAC PM4**). However, in line with recommendations in the sites study, the site would be kept under review should satisfactory measures be implemented as part of a wider scheme to mitigate flooding in the area. An indicator is proposed to be included in the revised monitoring framework to that effect (**MAC75**).
- 6.6. The existing site at Rover Way was the subject of a report commissioned by the Council to examine its physical condition⁶¹. The report identified the site as being potentially vulnerable to flooding due to coastal erosion. If this site had to close, there would be a need to find a further 21 replacement pitches. The report recommends that this situation will need to be resolved by 2033. Accordingly, it is proposed to include an indicator in the monitoring framework to ensure that the existing supply of pitches is maintained and a trigger to seek alternative pitches should existing pitches be lost (**MAC75**).

Level of Need for Transit Sites

- 6.7. The Gypsy and Traveller Accommodation Needs Study identified a gap in provision for a suitably located transit site of around 10 pitches near the M4. However, the study says that this does not necessarily fall within Cardiff and could potentially be met by a range of local planning authorities in the area. The study recommends that the needs of Gypsy and Travellers visiting South East Wales should be considered at a strategic level.

Provision of Permanent and Transit Sites

- 6.8. Further to the examination Hearing, and in response to the Inspectors’ request, the Council prepared a position statement setting out clear mechanisms and timescales for delivery of a site or sites to meet the identified need for 108 pitches. It is proposed to undertake a comprehensive review of the site selection process, including revisiting the site selection criteria, to identify suitable sites to meet the identified current need over the next two years and to meet the longer term need by 2021. The review would also identify potential funding sources. Consequential changes to the Plan, as proposed by **MAC23**, would make clear that local authorities are required by the Housing (Wales) Act 2014 to assess the accommodation needs of Gypsy families and to submit the assessment to the WG for approval by February 2016. This assessment would also include an evaluation of the need for transit sites in Cardiff.
- 6.9. The Council proposes to establish a Steering Group to work proactively with its Housing Department and the Gypsy and Traveller community to identify a

⁶⁰ PPW paragraph 13.2.3 and Technical Advice Note (TAN) 15: ‘Development and Flood Risk’

⁶¹ Site Appraisal Report on the Rover Way Gypsy and Traveller Site (May 2013)

permanent site. It is proposed to include the process and timescales for identification and provision of accommodation in the Plan (**MAC23**). Whilst the proposed deletion of the allocation means that a site has not now been allocated, we are satisfied that adequate explanation has been provided and clear procedures would be put in place to ensure that the necessary provision is made. The Council is also well aware of its duty under the Housing (Wales) Act to provide a permanent site where there is evidence of need. The mechanisms and timescales for delivery would also be set out in the revised monitoring framework (**MAC75**) to ensure that a suitable site or sites would be identified and provided to meet the current need by 2017 and the longer term need by 2021; failing this the Plan would be partially reviewed.

- 6.10. In addition, Policy H8: ‘Sites for Gypsy and Traveller Caravans’ provides criteria to allow suitable sites to come forward. Proposed changes to criterion ii (**MAC23**) would ensure that the correct terminology is used in respect of land contamination and would ensure that the policy was coherent. Subject to this change and proposed changes to the reasoned justification, Policy H8 would provide a sufficiently sound basis for meeting the need for Gypsy and Traveller sites.

7 Sustainable Transport and Infrastructure

Sustainable Transport: Modal Split

- 7.1. A key priority of the Plan is to establish Cardiff as a sustainable travel City as part of the wider objective of ensuring that people in Cardiff have a clean, attractive and sustainable environment. A central aim of the transport strategy underpinning the LDP is to achieve a 50:50 split between travel by car and sustainable travel. The modal split would relate to all journeys. The Plan refers to the Council’s modelling assessment which shows that the growth projected in the LDP will result in major increase in transport movements and to accommodate the additional trips on the highway network, it will be necessary for at least 50% of all trips on Cardiff’s transport network to be made by sustainable modes by the end of the Plan period.
- 7.2. The supporting evidence⁶² indicates that traffic flows need to be constrained to 2010 levels for the transport network to accommodate the growth envisaged in a way which avoids unmanageable levels of congestion. In order to achieve this, there needs to be a shift from car use to sustainable modes across all journey purposes from the 64% share identified in 2011 to the 50% share in the 50:50 target. The Plan acknowledges that in order to achieve the 50:50 modal split, development in the LDP would need to be supported by significant new transport infrastructure, improvements to existing transport and measures to manage travel demand and encourage use of sustainable transport both within existing and new communities in Cardiff.
- 7.3. The Council’s evidence points to various data sources to show that there has been a significant increase in sustainable travel to work over the last 10 years, including a corresponding increase in rail use and cycling over the same period. The evidence indicates that a shift to more sustainable travel is already taking

⁶² Background Technical Paper 5: Transportation (September 2013)

place whilst comparisons with other cities suggests that growth can stimulate investment in transport infrastructure and bring about a shift to sustainable modes⁶³. The Council also plans a range of measures to influence and change travel behaviour such as improvements to walking, cycling and public transport infrastructure, route improvements, transport hubs, parking controls and pricing policies.

- 7.4. The position statement⁶⁴ submitted by Vectos on behalf of the parties bringing forward strategic sites C,D, E, F and G refers to joint working between the Council, developers, landowners, Welsh Government, Sustrans, the Design Commission for Wales and public transport operators. The master planning and design for transport is at an advanced stage for these strategic sites and has been based on traffic models that take into account traffic and movement associated with the strategic sites in the north-east and north-west of Cardiff. It sets out 4 key themes of design, choice, behaviour and management. It is proposed to influence the internalisation of movement within the sites through design and to provide an appropriate level of infrastructure at the early stages of development to influence choice and promote behaviour change. The strategic sites would be designed to make sustainable modes more attractive and achieve a better modal share than existing developments⁶⁵.
- 7.5. It was confirmed during the examination that it is not the Councils’ intention to require all development to achieve a 50:50 modal split. Mitigating the transport impacts of development by securing supporting infrastructure or measures which maximise trips by sustainable travel will be crucial to achieving the modal split target. Each development would have to show that it had maximised achievement towards the target in light of specific evidence available⁶⁶. Proposed changes to the reasoned justification to Policy KP8: ‘Sustainable Transport’ (**MAC10**) would provide further clarity in that respect. New development would thus play a role in providing infrastructure or measures that would collectively contribute to achievement of the target.
- 7.6. New Policies KP2 (A) to (H) as proposed by **MAC5** would include details of the specific transport infrastructure to be provided on each of the strategic sites. Furthermore the updated Infrastructure Plan (IP)⁶⁷ provides further clarity in respect of the combination of strategic site investment and other initiatives to achieve the infrastructure necessary to facilitate the modal split. The sites would be planned to encourage residents to walk, cycle and take public transport.
- 7.7. The IP includes two categories of infrastructure. Category 1 is essential/enabling infrastructure which is defined as being required ‘to facilitate development’ and would need to be delivered prior to, or at the commencement of the relevant phases of development (e.g. transportation, utilities and flood mitigation) and Category 2 necessary infrastructure which is described as necessary ‘to make development acceptable’ and would be phased and

⁶³ Cardiff Council Examination Statement Hearing Session 14: Transport Matters

⁶⁴ Hearing Session 2 Position Statement: Transport Infrastructure

⁶⁵ Background Technical Paper 5: Transportation Updated May 2014 provides the potential percentage of journeys that could transfer from car to walking, cycling or public transport

⁶⁶ Cardiff Council’s Examination Statement to Additional Hearing Session 25: Transport & Infrastructure

⁶⁷ Cardiff Infrastructure Plan (Working Draft 27th November 2015)

implemented alongside new development (e.g. schools and open space). Proposed changes (**MAC5**) to include the categories of infrastructure in new policies KP2 (A) to (H) and Policy KP6: ‘New Infrastructure’ (**MAC8**) would help clarify the difference between the infrastructure types and provide greater certainty over the timing of delivery of infrastructure. Furthermore, proposed changes to the reasoned justification to Policy KP8 (**MAC10**) would introduce specific references to the provision of transport infrastructure in the development of the strategic sites. It would also include cross references to other relevant policies, thereby providing a comprehensive policy framework within which to identify necessary transport infrastructure and ensure it is delivered.

- 7.8. The IP includes estimated costs of infrastructure, funding sources as well as anticipated timescales for delivery and would be regularly updated. Proposed changes to the Plan (**MAC5** and **MAC75**) would ensure that the summary of key infrastructure requirements within KP2 (A) to (H) would be cross-referenced to the Infrastructure Plan and directly linked to the Plan’s monitoring framework. Master plans, which would be informed by the new policies and the schematic frameworks forming part of those policies, are intended to play an important part in creating sustainable communities many of which would include retail, employment, community and education facilities on-site. The scale of the sites would make it possible for new housing to be integrated with a range of new facilities. This would help to reduce the need to travel.
- 7.9. The master plans would also provide opportunities to provide connectivity both within the sites and externally to neighbouring areas. They would be designed to maximise the use of public transport, including the provision of new and extension of existing services as well as walking and cycling. Discussions have already taken place between developers and transport operators on some sites and key routes have been identified and costed. Furthermore, cycle networks and pedestrian links have been planned which would be an integral feature of the new communities and would make walking and cycling practical choices for daily trips. Off-site connections would improve the scope for connecting with upgraded cycle routes beyond the sites, including to the Taff Trail and City Centre. Where relevant, these details have been included as ‘Essential’ or Category 1 infrastructure in the proposed new policies KP2 (A) to (H).
- 7.10. It is recognised that achieving the modal shift will require a significant shift from car to other modes for residents. However, we agree with assertions made at the examination that it would be unrealistic to expect traffic to flow unimpeded at peak times or to attempt to build sufficient road capacity to accommodate and prioritise the convenience of car users. PPW aims to extend transport choice, encourage a more efficient and effective transport system and to minimise the need to travel. It expects this to be achieved through improving accessibility, promoting walking, cycling and supporting public transport, traffic management and infrastructure improvements⁶⁸.
- 7.11. It is intended to measure progress in achieving the modal split by including within the IP a time-phased trajectory or timeline of expected progress towards the achievement of the 50:50 modal split target by the end of the Plan period.

⁶⁸ Planning Policy Wales paragraphs 8.1.1 and 8.1.4

Progress would also be measured by surveying the mode of travel by individual journey purposes via the monitoring framework (**MAC75**). This would enable the Council to identify appropriate interventions that may be required to be targeted at specific types of journeys. The monitoring framework would include indicators to measure the mode split for all journeys as well as improvements in journey times and reliability. If a trigger point is activated this would necessitate an assessment to investigate the underlying causes including accessibility mapping, corridor investigations into mode shift, journey time and reliability by mode and pinch points. It would also assess relative journey costs by mode and an assessment of the provision of transportation infrastructure. This information would be used to identify the necessary remedial actions including review of the Plan.

Strategic Rapid Transit and Bus Corridors

- 7.12. The Council’s transport strategy focuses on seeking to reduce car use by encouraging people to use more sustainable modes of transport. To achieve these objectives the Council intends to use a range of measures including infrastructure improvements to the strategic bus corridors by developing bus priority measures, bus lanes, bus gating and junction improvements to reduce bus journey time and improve reliability. It is also working with bus operators to re-configure the network to support development of the strategic sites and take account of proposals for the new bus station, new orbital routes and interchange points. The Council is working with neighbouring authorities to support and encourage sustainable commuting into the City. This includes work with RCTCBC to secure bus rapid transit connections along the A4119 corridor. RCTCBC has submitted a funding bid to WG to develop a park and ride site adjacent to this corridor with supporting junction improvements and bus priority measures⁶⁹. Other measures include newly acquired enforcement powers in respect of moving traffic offences and on-street parking controls. It is also proposed to develop the active travel network through development of comprehensive walking and cycling networks and delivery of new infrastructure to support these networks.
- 7.13. In response to the Inspectors’ request for additional information regarding bus capacity and journey times, the Council provided calculations showing the improvement in highway capacity in terms of ‘total people movement’ if buses replaced private cars on the highway. Also, how increases in bus capacity would result in a reduction in traffic demand and lead to improved journey times for all traffic. Information was also provided on how bus lanes can provide priority over general traffic and encourage modal shift⁷⁰. The graphs show that congestion increases most significantly beyond the 0.8 ratio of flow to capacity and the Council intends to use this ratio to identify what pinch points in the network contribute to the journey times. This information would be used in the analysis of transport data which in turn would be used for any assessment triggered via the monitoring framework and resultant prioritisation of transport interventions. Improvements in infrastructure, services and measures such as those outlined above would be targeted at areas that support the growth in the Plan in a deliverable and phased manner.

⁶⁹ Council Response to Transport Related Action Points: Action Point 6 of Hearing 7

⁷⁰ Council Response to Transport Related Action Points: Action Point 7 of Hearing 14

- 7.14. Proposed changes to Policy T2: ‘Strategic Rapid Transit and Bus Corridors’ (**MAC38, MAC PM13**) would provide more details of the bus corridor enhancements and would ensure that there was consistency with the details shown on the Proposals Map. Changes are also proposed to the reasoned justification to Policy T2. The updated text would refer to 4 Rapid Transit Corridors that have been broadly identified along corridors leading to the City Centre. The mode and precise alignment of rapid transit is not yet known and for this reason we agree with the Council that the routes cannot be defined on the Proposals Map and should not be included. However, provision for Rapid Transit Corridors would be made in the proposed new policies KP2 (A) and KP2 (C) to (H).
- 7.15. Further technical assessment would need to be undertaken, including as part of the master planning of the strategic sites, which would help to inform the precise mode and route alignments. Types of rapid transit are being considered including heavy rail, tram rail, light rail and bus rapid transit. Options for the types of infrastructure required to provide rapid transit serving the strategic sites are set out in the IP together with funding sources. The proposed changes to Policy T2 (**MAC38**) would provide for the development of 4 principal rapid transit corridors that would serve the strategic sites. The bus corridor enhancements would be located largely within these corridors but would be specifically highlighted as such. The proposed changes would thus provide the necessary distinction between the rapid transit corridors and the bus corridors within the Plan. We are also satisfied that the policies in the Plan (as proposed to be amended) would provide an overarching framework with sufficient detail at this stage to guide more detailed master planning for the transport infrastructure required, for both the strategic sites and for links to surrounding areas.

Cardiff City Region ‘Metro’ Network

- 7.16. The WG’s National Transport Finance Plan 2015 was consulted upon and published during the examination. It sets out its priorities for strategic transport over the next 5 years and beyond, the estimated expenditure required to deliver the schemes and the likely sources of funding. It includes a number of short, medium and longer-term schemes which will contribute to the delivery of the ‘Metro’ network. The Council is working with the WG to develop and implement walking, cycling and bus priority improvements. However, as outlined above, until the WG has undertaken technical assessments, details of the modes routes and alignment of the rapid transit are not yet known.
- 7.17. Following discussions at the Hearings, the Council has proposed a number of changes to the Plan, including a new policy, to provide a policy context to ensure commitment to delivery of this key project. It would ensure that the Plan safeguards land required for the ‘Metro’ transport scheme and avoid prejudicing the future development of ‘Metro’ routes. Proposed new Policy T9: ‘Cardiff City Region ‘Metro’ Network’ (**MAC39**) would seek to ensure that development that is required now does not prejudice delivery of this regionally important project. It would set out in the supporting text that any necessary safeguarding of land would be integrated within the design of approved development. The need for the rapid transit corridors is set out in the new

policies proposed for the relevant strategic sites, together with reference to improvements to the strategic public transport network.

- 7.18. The ‘Metro’ project is a longer-term initiative. Delivery of the Plan’s transport strategy is not wholly reliant upon it being in place before development in the Plan can commence. The strategy provides for a number of different transport improvements and measures rather than reliance upon one project. Neither does it rely upon one particular mode – such as a track, tram or rail-based solution. It provides a sound basis to support and help deliver the growth proposed rather than relying solely on initiatives it cannot control. However, the IP would offer an opportunity to provide updated information on potential timescales, costs and sources of funding for the ‘Metro’ which would be regularly updated. This would enable effective monitoring of progress in respect of the ‘Metro’ and other transport infrastructure by linking to the monitoring framework and enabling the Council to take any necessary action if the delivery of infrastructure fails to progress as expected.

Regional Transport Hub

- 7.19. Policy T4: ‘Regional Transport Hub’ seeks to support development of infrastructure and facilities around Cardiff Central railway station. It is proposed to develop a central public transport interchange around the railway station and Central Square. The site is part of a major redevelopment initiative being progressed by the Council and developers with landowners, Network Rail and transport operators. A study providing options to reconfigure the City bus network has been completed together with public consultation on the requirements of a new bus station.
- 7.20. New policy KP2 (A) would provide a policy context within the Plan and set out specific infrastructure requirements including the need for a central, public transport hub providing access to and interchange between the rail network, rapid transit, strategic bus corridors as well as the City-wide bus network and cycle networks. The new policy would also include reference to the potential need to safeguard land for future development of the ‘Metro’ project. Policy T4 would set out the key components and scope of the transport hub which would inform the development of more detailed specifications as part of a comprehensive master plan of the strategic site. We are satisfied that the proposed changes would ensure that sufficient details would be included in the Plan to ensure provision of an accessible interchange which would be integrated with surrounding development and provide connectivity between national, regional and local rail and bus services.

Monitoring and Managing Transport Impacts

- 7.21. The development of the strategic sites would inevitably result in substantial increases in traffic flows. Without adequate mitigation this would place undue pressure on the local road networks leading to significant traffic congestion and potentially impact on air quality. However, the policies in the Plan would require a range of transport mitigation and improvement measures, including capacity improvements and public transport links. The Plan makes clear that implementation of Policy KP8 and other policies in the Plan would help to reduce pollution arising from road traffic.

- 7.22. Policy EN13: ‘Air, Noise, Light Pollution and Land Contamination’ (as proposed to be amended by **MAC35**) would also seek to ensure that development that would generate unacceptable levels of air or other pollution would be appropriately located and controlled in line with national planning policy⁷¹. Furthermore, Air Quality Management Areas (AQMA) would be identified on the constraints map and an indicator would be included in the monitoring framework (via **MAC75**) to monitor the number of AQMAs throughout the Plan period. As the Highway Authority, the Council has undertaken a thorough and robust assessment of the transport implications of developing the strategic sites and is satisfied that adequate mitigation can be put in place. On the basis of evidence available, we share this view.
- 7.23. There would be scope to review transport mitigation measures as the development of the strategic sites progressed. A number of measures have been introduced to effectively monitor progress and take any necessary action to ensure delivery of transport infrastructure. The proposed changes would introduce new policies for each of the strategic sites identifying the necessary infrastructure, including links to the IP and clearer timescales by which it is required. Policy KP6: ‘New Infrastructure’ would require new development to make provision for, or contribute towards, the infrastructure needed as a consequence of the proposed development which would be delivered in a timely manner to meet the needs of existing and planned communities. Proposed changes via **MAC5** and **MAC8** would provide greater certainty over the timing of delivery of infrastructure and would make clear that any essential/enabling categories of infrastructure, such as transport and highways, would be delivered prior to commencement of the relevant phases of development.
- 7.24. Updated information in the IP would identify all the development projected to come forward together with information on the infrastructure requirements, including for each of the strategic sites. This would ensure that there is a benchmark for monitoring the delivery of infrastructure. This is a reasonable approach and avoids the complexity of having to separately identify in the Plan the requirements of a wide range of infrastructure providers. A trajectory or time-based schedule of expected progress towards achievement of the 50:50 modal split target over the Plan period linked to the monitoring framework would provide additional clarity and ensure that necessary infrastructure is delivered at the appropriate stage to reduce car dependency.
- 7.25. This, together with the amended monitoring framework, would provide the Council with a delivery and funding implementation timetable which would inform the master planning process as well as ensure that funding is in place to enable the relevant infrastructure to be provided from the first occupation of the strategic sites (where relevant) or over the medium to longer term. Furthermore, it would provide the basis for the Council to monitor progress by setting out a programme and key progression points for the critical infrastructure and to identify what action would be taken if the delivery of infrastructure fails to progress as expected.
- 7.26. We are satisfied on the basis of the available evidence that the effects of the strategic sites on traffic and transport can be adequately mitigated.

⁷¹ Planning Policy Wales paragraph 13.11

Furthermore, there would be scope to review transport mitigation measures as the development of the strategic sites progress.

The Provision of Infrastructure

- 7.27. As outlined above, proposed changes to include the categories of infrastructure in new policies KP2 (A) to (H) and Policy KP6 (**MAC5, MAC8**) would help clarify the difference between the infrastructure types. Proposed changes to the reasoned justification to Policy KP6 would also clarify that for the strategic sites, the new policies would provide clear guidance on the infrastructure and master planning requirements. There would also be a cross-reference to the IP.
- 7.28. Policy KP7: ‘Planning Obligations’ requires development to provide contributions to fund necessary improvements to infrastructure and community benefits to meet requirements arising from new development. Proposed changes to the policy and the supporting text would clarify that planning obligations would be sought on a case-by-case basis (**MAC9**). Other changes would make clear that contributions would be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and in kind to the development. These changes would bring the Plan in line with the provisions of WG Circular 13/97 ‘Planning Obligations’ and the CIL Regulations 2010 (as amended). The proposed changes would also reflect the possibility of a CIL charging schedule being introduced during the lifetime of the Plan.
- 7.29. The Council’s intention is to introduce a CIL after adoption of the LDP. However, the Council intends to continue to seek necessary infrastructure for the strategic sites via S106 agreements, where appropriate, rather than relying solely on the CIL mechanism. In certain circumstances, S106 contributions would allow for required infrastructure to be delivered in line with the appropriate phases of development via triggered thresholds. This would help to ensure that the necessary infrastructure is in place when required. The IP is intended to support both the LDP and any future CIL charging schedule in this regard. In order to closely monitor the delivery of infrastructure the Council intend to prepare and keep under review an IP Delivery Report which would be included within the monitoring framework.
- 7.30. The IP Delivery Report would include details of S106 agreements that have been entered into, planning permissions granted that are CIL liable (should a CIL be adopted) and details of any grants of other sources of funding that have been secured towards infrastructure provision⁷². This would provide a clear distinction between S106 and CIL and ensure that there would be no ‘double dipping’ where developers pay twice for the same piece of infrastructure. It would also ensure that funding was effectively co-ordinated and could form the basis for priority and inclusion of appropriate infrastructure in the CIL Regulation 123 list.

⁷² Council Response to Action Point 7 of Hearing Session 2

- 7.31. The Council commissioned a Strategic Flood Consequences Assessment (SFCA) which provides a broad level assessment of the flood risk for the sites in the Plan and considers fluvial and tidal influences together with other sources of flood risk such as ordinary watercourses and public sewer networks. It sets out current and future flood risks for each of the sites and an assessment of the ability of the site to comply with acceptance criteria set out in Technical Advice Note (TAN) 15: ‘Development and Flood Risk’. Where mitigation measures would be required to meet the requirements of TAN 15, the SFCA sets out detailed and modelled mitigation measures including estimated costs. These indicative costs, which have been included in the IP, provide a summary of infrastructure requirements related to flood defences and drainage. The Plan makes clear that site specific assessments, including FCA would be required where appropriate and that development would only be permitted where the risks and consequences of flooding could be demonstrated to be managed to an acceptable level in line with national planning policy.
- 7.32. Dŵr Cymru Welsh Water (DCWW) was consulted on the LDP and has provided relevant water, sewerage and waste water comments on the allocations as well as providing assistance with assessing the potential demands for water and sewerage. The IP identifies the relevant waste water treatment works likely to be affected and the fact that some works would need to be upgraded to accommodate the proposed growth. The SCG for each of the strategic sites also acknowledge the necessity for water infrastructure requirements which would be linked with the phasing of development. DCWW has been in detailed discussions with the Council and developers and say that water or sewerage constraints would not be insurmountable barriers to delivery and that there is no reason why a combination of improvements through Asset Management Plan investment, developer contributions and the requisition process would not ensure that the allocated sites are delivered as proposed⁷³.

8 The Economy & Employment, including Retail

Provision of Employment Land and Premises

- 8.1. The Council’s updated Employment Land and Premises Study⁷⁴ assessed the existing employment land supply, the forecast supply of labour for different sectors of the economy and the future requirements for employment land and property. In assessing likely future employment scenarios for the Plan period, an uplift factor was applied to annual employment growth to take account of economic and labour market changes since the 2008 Cardiff Employment Land and Premises Study was undertaken. The employment scenarios were also developed to reflect planned interventions for some sectors identified as high growth prospects, in particular the financial and business services, construction, hotel and restaurant sectors where additional funding had been identified to boost growth rates within the Central Enterprise Zone. The analysis of population and labour market projections aligned to the LDP strategy suggests that Cardiff will need to expand its employment base by 40,000 jobs over the Plan period to sustain a healthy labour market.

⁷³ DCWW Hearing Statement for Hearing 2: Constraints to Development, Provision of Infrastructure, Timing and Delivery

⁷⁴ Cardiff Employment Land Study Update undertaken by DTZ (June 2011)

- 8.2. Further analysis of the labour supply by sector indicates that of those jobs, 23,220 are forecast to be in Non B uses and would not require employment land allocations⁷⁵. There is thus a requirement to accommodate 17,600 jobs on or in employment land and premises. The Council’s Employment Land and Property Study Gap Analysis⁷⁶ assessed the future office requirements, including an allowance for complementary non-B Use Class activities to be accommodated on employment sites such as motor trades/car showrooms as well as an allowance for market churn and stock modernisation. The estimated future requirement for office floorspace is between 413,900 to 501,200 sqm. The identified supply of office floorspace is estimated to be 537,883 sqm⁷⁷. This is based on an up-to-date calculation considering a number of sources of data including vacant premises, existing consents and sites with planning permission granted subject to the signing of S106 Agreements. On the basis of the available evidence we are satisfied that this is an accurate assessment.
- 8.3. The identified requirement for industrial land over the Plan period is between 83 and 125 ha. This estimate makes an allowance for the replacement or refurbishment of some industrial stock. However, the supply of industrial land assessed as part of the Gap Analysis was 69.5 ha. This suggests a potential shortfall of industrial and warehousing land (Use Classes B1 (b), (c), B2 and B8) to meet requirements. Furthermore, a substantial element of forward supply was ruled out due to further evidence on flooding which would prevent some sites coming forward unless effective flood mitigation measures were put in place. The Council provided an up-to-date calculation of supply for the examination Hearings based on the monitoring of completions since 2006 and an element of employment land that is anticipated as coming forward as part of the mixed-use strategic sites. It is anticipated that there would be a total supply of 125.4 ha⁷⁸ of employment land over the Plan period.
- 8.4. The WSP recognises that the Capital Region needs to develop a stronger presence in higher value services and the knowledge economy and acknowledges Cardiff’s pivotal role as a key provider of professional services, focussing on innovation and higher value-added knowledge sectors⁷⁹. The lack of high quality out-of-town office space is accepted as being a significant issue in terms of providing an appropriate range and choice to maintain and improve the competitiveness of the City and to attract expansion and investment in knowledge-based and other identified high-value growth sectors.⁸⁰ The need for start-up premises and ‘grow-on’ space is also acknowledged, as is the need to provide jobs in accessible locations and to create and support sustainable neighbourhoods. Policy KP9: ‘Responding to Evidenced Economic Needs’ sets out how the Plan intends to provide for a range and choice of employment sites in different locations, directing development to the most sustainable locations to deliver the level of growth in the Plan and to create balanced communities.

⁷⁵ Cardiff Council Examination Statement Hearing Session 10: Employment and Retail

⁷⁶ Cardiff Employment Land and Property Study Gap Analysis Final Report (April 2012)

⁷⁷ Erratum to Cardiff Council Examination Statement Hearing Session 10: Employment and Retail

⁷⁸ Not including the Non-Strategic Employment Site for Health Related Employment as outlined below

⁷⁹ WSP paragraphs 19.9 and 19.22

⁸⁰ Background Technical Paper No 4: Economic (September 2013)

- 8.5. High density office development would be concentrated in the Central Enterprise Zone and Cardiff Bay area whilst the mixed-use strategic sites would include employment uses for existing and future residents. The existing employment sites identified in Policy EC1: ‘Existing Employment Land’ are located in long-established business and industrial areas. Many of the sites identified for protection are located in areas to the west and south of the City which have high levels of unemployment.
- 8.6. Whilst the Plan would moderately exceed the forecast need for office floorspace, this would assist in maintaining a supply of employment land and providing some flexibility in the event that actual economic growth is stronger than forecast. This is consistent with TAN 23 which says that land provision targets may exceed anticipated demand to allow for the chance that the assessments are too low and to promote flexibility, competition and choice⁸¹.
- 8.7. Further to the hearings some boundary amendments were proposed to the Proposals Map. Proposed change **MAC PM6** would more accurately reflect Associated British Port’s land ownership on the map showing employment land EC1.2 and the Central Bay Business Area whilst a proposed change to the boundary of Cardiff Business Park via **MAC PM7** would reflect the land where planning permission for housing has been granted. These changes are recommended to improve the Plan’s accuracy and for clarity.

The Strategic Employment Site

- 8.8. Strategic Site H is located within flood risk Zone C1 of the TAN 15 DAMs (January 2015). TAN 15 promotes a precautionary approach which sets out that development can take place subject to justification including the acceptability of the consequences of flooding⁸². Further to the Hearings, at the request of the Inspectors, the Council provided additional information⁸³ to support and justify the allocation in line with the requirement for a sequential approach set out in PPW⁸⁴ and TAN 15⁸⁵. Also, to confirm whether the principle of a sequential test in terms of town centre-related uses had been taken in line with PPW⁸⁶ and TAN 23: ‘Economic Development’⁸⁷.
- 8.9. Focusing first on the matter of a sequential test for town centre-related uses, PPW seeks to promote a broad balance between housing and employment opportunities in order to minimise the need for travel. Major generators of travel demand such as employment should be located within existing urban areas or in other locations which are or can be well served by public transport, or can be reached by walking and cycling⁸⁸. TAN 23 says that local planning authorities should apply judgement depending on the nature of the economic use and its applicability to a particular location. Also, that they should have

⁸¹ Technical Advice Note (TAN) 23: ‘Economic Development’ paragraph 4.5.2

⁸² Technical Advice Note (TAN) 15: ‘Development and Flood Risk’ paragraph 6.2

⁸³ Council Response to Action Point 4 of Hearing Session 5

⁸⁴ Planning Policy Wales paragraphs 9.2.9 and 13.3.1

⁸⁵ Technical Advice Note (TAN) 15: ‘Development and Flood Risk’ paragraphs 3.1 and section 10

⁸⁶ PPW paragraphs 10.2.9 and 10.2.11

⁸⁷ Technical Advice Note (TAN) 23: ‘Economic Development’ paragraph 1.2.7 and 2.1

⁸⁸ Planning Policy Wales paragraph 4.7.4

regard to considerations set out in the TAN in respect of weighing economic benefit i.e. jobs accommodated, alternatives and special merit.

- 8.10. The proposed allocation of this strategic employment site to the east of St Mellons would provide considerable employment opportunities at the edge of an existing settlement in a deprived area which benefits from European Assisted Area status, as well as the potential for a new railway station and park and ride facility given the advantages of its location adjacent to the main line. It is readily accessible by public transport but would provide further opportunities to provide public transport access to the site from other parts of the City as well as improvements to walking and cycling facilities to improve local access to the site and help sustain neighbouring communities including Trowbridge and St Mellons. The site would provide some office space but it would also offer campus style or bespoke accommodation promoted for high value service and knowledge-based sectors as well as potential accommodation for new start-ups or spin-off businesses. It would offer an opportunity to extend the existing St Mellons Business Park which is at capacity.
- 8.11. Strategic Site A would offer City-centre high density B1 Use Class accommodation. However, the evidence indicates that there are few opportunities within the City-centre to offer the type of low-density, bespoke, incubator type of accommodation that would provide floorspace on one level and be capable of being adapted to suit the needs of the business and/or to provide grow on space. The sequential search undertaken by the Council also shows that whilst Cardiff has a number of designated employment sites, these tend to be located in the traditional urban areas characterised by industrial and warehousing activities with very little new floorspace to accommodate the needs of the knowledge-based sectors that require high specification buildings. Furthermore, there is not sufficient vacant land at existing out-of-town business parks such as at Cardiff Gate to accommodate the scale and type of employment site as that proposed at St Mellons.
- 8.12. This is further supported by the findings of the Council-commissioned report on the economic case for St Mellons Business Park extension⁸⁹. The report says that the strategic site would provide the opportunity to create a low-density business park offering more floor space on one level, modern infrastructure and flexibility to the occupiers. It also offers an opportunity to provide facilities valued by businesses as well as shared services such as broadband packages and security. Furthermore, there would be the potential to attract new investment from high growth knowledge-led sectors and even future development of a high tech cluster. This would accord with PPW and TAN 23 which says that the planning system should particularly support the low-carbon economy, innovative business/technology clusters and social enterprises which are defined as businesses that are particularly important in providing opportunities for social groups disadvantaged in the labour market. Developments that will provide space for these categories of businesses count as making special policy contributions⁹⁰.

⁸⁹ St Mellons Business Park Extension 2014 Update: The Economic Case for the Extension Draft Report

⁹⁰ Technical Advice Note (TAN) 23: 'Economic Development' paragraph 2.1.13

- 8.13. Turning to the issue of flood risk, Zone C1 of the TAN 15 DAMs are areas of the floodplain which are developed and served by significant infrastructure, including flood defences. TAN 15 sets out a precautionary framework for flood risk which includes justification for development and the acceptability of potential flooding consequences. Commercial development is defined as less vulnerable development in terms of the justification test and the TAN says that development can only be justified if it can be demonstrated that its location is necessary to assist, or be part of, a local authority regeneration initiative or strategy required to sustain an existing settlement; or its location is necessary to contribute to key employment objectives supported by the local planning authority and other key partners, to sustain an existing settlement or region. Also, that it concurs with the aims of PPW and meets the definition of previously developed land.
- 8.14. The site is not previously developed land. However, as outlined above, the Council consider that the edge of settlement allocation is necessary to contribute to both the LDP economic strategy and to that of the wider City Region. The Council’s sequential approach to identifying land for a strategic employment site has shown that there is no existing brownfield site within the City centre capable of accommodating the proposal. The allocation would provide opportunities for development in those sectors identified in the WG Economic Renewal Programme⁹¹ such as advanced materials and manufacturing, as well as the potential to promote and develop clusters of key sectors and research and development expertise. Key to the success of this would be the correct type of available land and premises in sustainable locations across the City to promote growth and attract inward investment. It would also act as a catalyst to developing a sustainable transport corridor for the wider region. The strategic employment site would thus be a key element of a wider spatial strategy which would align jobs, development and infrastructure in line with TAN 23⁹².
- 8.15. Without the proposed allocation, the supply of industrial land would fall to approximately 97 ha. Whilst this would be within the range identified as a requirement over the Plan period, there would be a reliance on all sites with planning permission and those with permission subject to S106 Agreements, coming forward. Furthermore, the Council says that approximately 15 ha of the industrial supply would be on land without planning consent and identified as having potential for redevelopment. If this land was discounted, the supply would fall to the minimum amount identified as being necessary to deliver the Plan’s strategy⁹³. The LDP economic strategy seeks to support Cardiff’s role set out in the WSP as the key economic driver for the region, at the centre of a strong regional economy which is internationally competitive. In order to do this it needs to provide for a range and choice of employment land and premises to promote opportunities for growth and economic prosperity.
- 8.16. TAN 15 also sets out that it should be demonstrated that the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and

⁹¹ ‘Economic Renewal: A New Direction’ (Welsh Assembly Government, July 2010)

⁹² Technical Advice Note (TAN) 23: ‘Economic Development’ paragraph 2.1.12

⁹³ Council Response to Action Point 4 of Hearing Session 5

appendix 1, found to be acceptable⁹⁴. The Council’s SFCA included an assessment of the site against these criteria and demonstrated that the flood risk could be effectively mitigated through a combination of raising the sea wall at points most likely to be prone to breaching and raising ground levels at the site⁹⁵. Furthermore, the first sections of necessary work at Tabb’s Gout are in progress⁹⁶.

- 8.17. The SCG agreed between the developer and the Council proposes development north of the railway with the area to the south being used for compensatory flood storage and ecological mitigation. The Council’s consultants also provided a technical note with further clarity on the proposed compensatory storage facilities. This sets out the principles of a multi stem system to provide compensatory fluvial flood storage to mitigate for raising ground within the site⁹⁷. The position statement from NRW confirms that it agrees with the principles illustrated in the technical note, though this would need to be assessed within a more detailed site-specific FCA submitted as part of a planning application. However, for the purposes of the LDP flood risk matters are agreed.
- 8.18. The site is within the Gwent Levels: Rumney and Peterstone Site of Special Scientific Interest (SSSI). PPW says that there is a presumption against development likely to damage a SSSI⁹⁸. NRW object to the proposed allocation on the basis that it will result in a loss of some of the SSSI area. NRW’s view is that such developments cannot be accommodated in such a way as to conserve and enhance the SSSI. This is a general objection based on experience of other large scale developments within the Gwent Levels suite of SSSIs⁹⁹. The SCG agreed between the Council and developer sets out the principles to protect the value of the SSSI and the reens system within the site. These include ensuring there would be a minimum buffer from the main reens and from field ditches. If the infilling of any main reen or field ditch proves to be unavoidable, it would be realigned with at least an equivalent capacity around the perimeter of the development or a compensatory length of ditch would be provided elsewhere in the site.
- 8.19. Other compensatory measures include fluvial flood storage to mitigate for ground raising within the site, as referred to above. In response to issues raised by NRW, the developer’s flood risk consultants have confirmed that the new reens would be connected to the existing reens which would mean that the quantity and quality of water within the new reens would be the same as that in the existing. In this way, the role of reens in supporting special features of the SSSI can be maintained with the new reens complementing retained existing reens. It has also been confirmed that the proposed additional reens to the south of the railway would be a direct replacement for the loss of any existing reens to the north of the railway. This, together with the multi cell system,

⁹⁴ Technical Advice Note (TAN) 15: ‘Development and Flood Risk’ paragraph 6.2

⁹⁵ Cardiff SFCA Phase 3 Study – Area A Wentloog Tidal and Area A Wentloog Fluvial

⁹⁶ Council response to Action Point 4 of Hearing Session 5

⁹⁷ Technical Note ‘Multi Cell Flood Storage Concept LDP Strategic Site H: Atkins (February 2015)

⁹⁸ Planning Policy Wales paragraph 5.5.8

⁹⁹ Council response to Action Point 5 of Hearing Session 5

would either replace or increase flood storage thereby offsetting any loss as a result of the development¹⁰⁰.

- 8.20. On the basis of the evidence available, we are satisfied that the site could be developed in a manner which would ensure that the reed system and biodiversity assets would be adequately protected. This would need to be addressed in detail as part of an environmental assessment supporting a future planning application. Furthermore, proposed new Policy EN7: ‘Priority Habitats and Species’ (**MAC32**) would make clear that developers would be expected to minimise any impact on biodiversity assets and to provide sufficient mitigation.
- 8.21. The site also lies within the Wentlog Levels Landscape of Outstanding Historic Interest and Archaeologically Sensitive Area. The environmental and flood risk constraints have been carefully assessed to ensure that any necessary mitigation and enhancement measures would be embedded within the new Policy KP2 (H). This would provide an appropriate framework within which to address these and other issues. There is little to suggest that the site could not be developed in a manner sympathetic to its environmental and heritage status. Considerations such as impacts on landscape, archaeology and protected species are detailed matters which could be addressed at the planning application stage.
- 8.22. The SA stresses that from an environmental perspective this is a poor site and recommends that it is avoided. However, it is acknowledged in the SA that its allocation would provide land for the kind of jobs that would not easily be accommodated in the City centre and that these might be accessible for residents of Trowbridge and Rumney. Moreover, providing employment land in St Mellons would help address some of the key problems identified in Cardiff’s ‘Southern Arc’ where geographically there is a concentration of deprivation¹⁰¹. The SA recommends providing employment and housing land within this area to help minimise existing deprivation and inequality.
- 8.23. The purpose of the SA is to appraise economic, environment and social effects of the Plan’s strategy and policies to ensure decisions are made that accord with sustainable development. Ultimately, the SA should inform the Plan not determine it. There are still judgements to be made that are essentially qualitative and the Council has emphasised that it needs to strike a reasonable balance in making these judgements, including consideration of mitigation measures. In our view, the Council has provided robust evidence to support the allocation of the site. For this and the above reasons, it is considered that allocation of the site would meet the objectives of national planning policy in terms of delivering additional economic benefits and contribute to all dimensions of sustainability¹⁰². The allocation is thus considered to be sound.

Health Employment Non-Strategic Allocation

- 8.24. Policy C10: ‘Health Employment Non-Strategic Allocation’ sought to allocate land for health related uses at the Government Offices, St Agnes Road, Heath.

¹⁰⁰ Council response to Action Point 5 of Hearing Session 5

¹⁰¹ Final SA Report revised reflecting May and October 2015 Draft MAC Schedule

¹⁰² Technical Advice Note (TAN) 23: ‘Economic Development’ paragraph 2.1.1

However, it was clear at the relevant Hearing that the allocation was largely unsupported by evidence and that the landowner had no intention to bring forward the site for its proposed use. As such, the allocation is proposed to be deleted by **MAC58** and **MAC PM15**. In response to this change, numerous representations have been received in support of the allocation, including significant evidence outlining the strategic opportunity that the allocation would provide. Nevertheless, the allocation remains unsupported by the landowner and, given the importance of deliverability in the examination of LDPs, the deletion of the allocation is necessary for soundness. The site would however remain within the settlement boundary meaning that such a health related use would not be precluded should an agreement be made with the landowner.

Employment and Housing Alignment

8.25. The evidence suggests that the supply of employment land is aligned to economic and labour market forecasts and takes into account Cardiff’s population projections, economic activity and unemployment rates and commuting patterns. As outlined above, the Plan provides for an appropriate geographical correlation between the distribution of employment and housing. Overall, it would provide for an appropriate level of growth in the context of Wales’ Capital City and would be sufficiently flexible to accommodate the level and type of growth forecast. The Plan’s approach is thus considered sound.

Safeguarding Existing Employment Land and Premises

8.26. The evidence points to substantial losses of employment land in some parts of Cardiff as well as a move away from traditional employment to other uses such as residential, retail and sui generis activities including car showrooms. The Employment Land and Commercial Property Strategy¹⁰³ recommends that further losses of employment land should be resisted if the City is to meet economic targets and to achieve a balance between jobs and homes. The Council recognises that there has been growing pressure over recent years for the development of employment land and premises for other uses, particularly housing¹⁰⁴. The Plan strategy thus seeks to protect existing industrial and warehousing land as well as high quality and accessible office accommodation. Policy EC1 identifies and seeks to protect existing employment areas in recognition of the important role they play as part of the employment land portfolio and their distribution across the City.

8.27. Policy EC3: ‘Alternative Use of Employment Land and Premises’ sets out the circumstances where development for other uses would be permitted. Proposed changes setting out the circumstances whereby conversion to alternative uses would be permitted within the policy itself rather than in the supporting text (**MAC24**) would improve clarity and consistency of interpretation.

Support for Business Expansion and Inward Investment

8.28. The Employment Land Study Update undertaken in 2011 anticipated that between 12 and 18 ha of the supply of employment land would come forward

¹⁰³ Employment Land and Commercial Property Strategy: Final Report by GVA Grimley(March 2009)

¹⁰⁴ Background Technical Paper No 4: Economic (September 2013)

from windfalls¹⁰⁵. The Council’s more recent assessment¹⁰⁶ identifies sites with scope for redevelopment or expansion on vacant land in existing employment areas amounting to over 14 ha. However, the absence of a policy framework to enable economic development proposals such as the expansion of existing businesses and inward investment to come forward on land that is not specifically allocated for such use may prevent Cardiff from fulfilling its economic aspirations.

- 8.29. Consequently, the Council propose a new Policy EC7: ‘Employment Proposals on Land not Identified for Employment Use’ (**MAC25**) setting out criteria against which proposals for employment use on unallocated land would be permitted. This would provide additional flexibility by allowing unanticipated opportunities to come forward. It would also ensure that the Plan could respond positively if economic growth is stronger than forecast. The proposed new Policy EC7: would thus be necessary to satisfy the coherence and effectiveness tests of soundness.
- 8.30. In conclusion, the Plan provides adequate opportunity to meet the identified need for employment land and sufficient flexibility to support employment generating development proposals. No further allocations put forward by representors are required to make the Plan sound, nor are suggested changes to the status of some employment sites. Subject to the recommended changes, it meets the tests of soundness.

Retail

- 8.31. Chapter 5 sets out the Council’s approach to retailing. The provisions of this chapter have been amended significantly through the Examination and, to reflect such changes, the Council has proposed the renumbering of the policies through MAC48. However, the proposed renumbering is inconsistent with policy number referencing included in other MACs. As such, and to avoid confusion, MAC48 is neither recommended nor endorsed. Nevertheless, such changes do not relate to the soundness of the plan and, in any event, the Council is authorised to make such final editorial changes, including presentational matters and consequential changes arising from the recommended MACs.
- 8.32. Consistent with national policy set out in PPW and Technical Advice Note (TAN) 4: ‘Retailing and Town Centres’, the Plan, as amended by **MAC40**, sets out a hierarchy of retail centres which establishes a sequential approach to the consideration of new retail developments. This is achieved through the introduction of a new policy entitled ‘Retail Hierarchy’ which places the Central Shopping Area at the head of the hierarchy, supported by a range of district and local centres. Retail proposals outside of these centres would either be assessed against the Policy entitled ‘Retail Development (Out of Centre)’ or that relating to ‘Retail Provision within Strategic Sites’. This approach is consistent with national policy and provides an appropriate framework for the consideration of retail proposals over the plan period.

¹⁰⁵ Cardiff Employment Land Study Update undertaken by DTZ (June 2011)

¹⁰⁶ Cardiff Council Examination Statement Hearing Session 10: Employment and Retail

- 8.33. The Plan is supported by a 2008 Retail Capacity Study and a 2011 based Update. The 2008 Retail Capacity Study concluded that, including commitments, there was not a county wide need for additional convenience, non-bulky comparison or bulky comparison floorspace. This stance was also advocated in the 2011 Update which refers to a material oversupply of floorspace to 2016 and recommends more of a focus on developing the existing retail offer. Despite the country being within the midst of a recession in 2011, the results of the sensitivity testing allow for a boost to the need for convenience and comparison goods floorspace and, on this basis, we are satisfied that the strategy is founded on a robust and credible evidence base.
- 8.34. Policy R1: ‘Retail Provision within Strategic Sites’, as submitted, is proposed to be amended by **MAC41**. This Policy provides the framework for the consideration of retail proposals within the residential-led strategic site allocations. Subject to the proposed changes, the Policy would support retail developments where: they are of an appropriate scale which satisfies an identified need; would not negatively impact on the vitality and viability of the designated centres; would be located along public transport corridors and easily accessible by walking and cycling; and where they would form part of a planned centre. The proposed changes would ensure consistency with national policy and would also ensure that its provisions are sufficiently robust to ensure that retail uses could be successfully integrated into the development of the strategic sites without impacting negatively on designated centres.
- 8.35. Key Policy KP10: ‘Central and Bay Business Areas’ provides the strategic framework for consideration of proposals within the Central and Bay Business Areas, appropriately outlining the range of uses that would be considered acceptable. Policy R2: ‘Development in the Central Shopping Area’ provides a criteria based approach to managing the diversity of uses within the Central Shopping Area identified on the Proposals Map, providing protection for shop uses whilst also recognising that an appropriate mix of complementary non-shopping uses can also contribute to the vitality and viability of shopping areas.
- 8.36. Proposals involving the loss of A1 shop related uses within protected shopping frontages would be assessed against the criteria set out in Policy R3: ‘Protected Shopping Frontages’. Concerns have been raised that the Plan adopts an outdated approach by providing too much protection for A1 uses. However, whilst the Policy does provide for an enhanced level of protection for the City Centre’s most important frontages, it does not preclude complementary uses where they would not undermine the primary shopping role of that frontage. As such, we are satisfied that the policy strikes an appropriate and necessary balance. **MAC42** and **MAC PM14** would ensure that the protected frontages are identified on the Proposals Map. These changes add clarity and certainty to the retail strategy and are therefore recommended.
- 8.37. Policy R5: ‘District Centres’ seeks to promote and protect the shopping role of the District Centres identified on the Proposals Map, whilst Policy R6 provides a similar role for the identified Local Centres. Concerns have been raised in relation to the status of Cardiff Gate Retail Park, most notably in relation to its omission from Policy R5. Specifically, it has been submitted that the presence of a large food store with integral post office and pharmacy on site, means that the retail park, at least in part, appears to function as a District Centre for people living and working in this part of Cardiff, particularly given its distance

from other identified centres. Indeed, it was clarified at the Hearings that a recent grant of planning permission would mean that the retail park would soon benefit from a leisure facility, smaller shops and potential café or restaurant uses typical of a District Centre.

- 8.38. However, in response to a request for further information¹⁰⁷, the Council submitted that the current nature and format of the vast majority of the retail park, including the presence of the large bulky goods retail warehouse units that are restricted by planning condition, remain more akin to an out of centre retail park. Indeed, we were able to appreciate at a site visit that the retail park does not currently possess the physical characteristics of a District Centre. Notwithstanding this, should all or part of the retail park be designated as a District Centre, then the bulky goods units would effectively become edge of centre, which could potentially be a threat to the retail strategy and ‘town centre first’ approach advocated through the Plan. Accordingly, we are satisfied that the Plan’s approach of excluding Cardiff Gate Retail Park from the list of designated District Centres is soundly based.
- 8.39. The proposals relating to both the District and Local Centre designations are sound in all other respects. Indeed, they are based on a robust assessment of the role and function of such areas¹⁰⁸ and have been identified in accordance with the advice contained within national planning policy. **MAC44** and **MAC45** lift elements of the reasoned justification into the policy wording of R5 and R6 respectively and, subject to these changes, the Policies would provide a sound basis for the determination of planning applications affecting such designations.
- 8.40. Subject to **MAC46**, which deletes the requirement for proposals for A3 uses within 400 metres of a school to be considered against Policy C7: ‘Health’, Policy R7: ‘Food and Drink Uses’ provides a robust framework for assessing proposed food and drink related uses. It has been suggested that the test of whether such uses would cause unacceptable harm to the shopping role and character of the designated centres is unnecessarily restrictive. However, we are satisfied that such wording is consistent with national policy and that the aims of the Policy are soundly based.
- 8.41. Policy R8: ‘Protection of Local Shopping Parades’ of the Deposit Plan sought to provide protection for local shopping parades. However, the Policy lacks clarity, with the status of such parades not identified within the retail hierarchy. Moreover, such designations would not be provided with a spatial dimension on the Proposals Map. As such, the Policy is not adequately justified in light of the advice contained within national policy and, for this reason, **MAC47**, which proposes the deletion of the Policy in its entirety, is recommended. However, to reflect national policy, the valuable role of smaller groups of shops and individual ‘corner shops’ would be referenced in the reasoned justification to Policy R6, as amended by **MAC45**.
- 8.42. Policy R4 of the submitted Plan provides the framework for out of centre retail developments. Subject to **MAC43**, which proposes the deletion of those elements of the reasoned justification that go beyond national policy and

¹⁰⁷ Council’s response to Action Point 8 of Hearing Session 10

¹⁰⁸ Background Technical Paper 7: District and Local Centres (September 2013)

established case law, it provides an effective basis for the determination of such planning proposals.

- 8.43. On this basis, and subject to the recommended changes identified, the Plan’s retail strategy is soundly based.

9 Settlement Boundaries and Green Belt

- 9.1. The Plan’s settlement boundaries are clearly defined on the Proposals Map and play an important role in establishing the overarching principles for the strategic management of the spatial growth of Cardiff. Policy KP3(B): ‘Settlement Boundaries’ stipulates that all areas outside of the defined settlement boundaries would be referred to as ‘countryside’, where a corresponding presumption against inappropriate development would prevail. Such provisions are critical to the management of growth within the City and, given that they would be consistent with the approach advocated through national planning policy¹⁰⁹, the approach is soundly based.
- 9.2. The methodology for defining the Plan’s settlement boundaries is clear, logical and appropriate. Wherever possible, the boundaries follow defined physical features and have been drawn to respect the characteristics of specific parcels of land, together with their planning histories. This approach provides the necessary certainty to inform planning processes and is consistent with the strategic aims and objectives of the Plan. **MAC PM1**, amends the settlement boundary at Strategic Site G to follow the River Rhymney. This ensures that the boundary conforms to the general approach described above and is therefore recommended.
- 9.3. Inconsistencies between settlement and allocation boundaries at Strategic Sites C and G were discussed at the respective Hearing sessions. Specifically, the Plan proposes that the settlement boundaries be drawn tighter than the allocation boundaries at both sites to reflect the area that the Council considers to be developable. This approach is consistent with the Schematic Frameworks identified in Policies KP2 (C) and KP2 (G), which identify the parcels of land located outside of the proposed settlement boundary as retained woodland and open space in the case of Site C and as an area of open space in respect of Site G. As this approach would be embedded into the adopted Plan via the Schematic Frameworks¹¹⁰, no change is necessary to make the Plan sound in this respect.
- 9.4. Policy EN1: ‘Countryside Protection’ expands upon the policy framework set by Policy KP3 (B) and, subject to **MAC26**, accurately reflects national policy set out in PPW and Technical Advice Note (TAN) 6: ‘Planning for Sustainable Rural Communities’. **MAC26** would also ensure that the requirement for landscape assessments is elevated into the Policy wording, consistent with the requirements of Policy EN3: ‘Landscape Protection’, whilst superfluous elements of the reasoned justification, including the requirement for Design and Access Statements, would be deleted from the Plan. Such changes add clarity and certainty to the Plan and are therefore recommended.

¹⁰⁹ Planning Policy Wales and PPW Technical Advice Note 6: ‘Planning for Sustainable Communities’

¹¹⁰ MAC5

- 9.5. Policy EN2: ‘Conversion, Extension and Replacement Buildings in the Countryside’ provides a criteria-based policy against which such proposals would be assessed. The submitted version of the policy lacked clarity and included potential inconsistencies in terms of interpretation of the policy. **MAC27** seeks to rectify such concerns by resolving potential tensions within the Plan and ensuring consistency with national policy. Subject to this change, Policy EN2 provides a sound policy basis for use through the development management process.

Green Belt

- 9.6. The Plan proposes the designation of an extensive area of land north of the M4 as Green Belt. This is proposed through Policy KP3(A): ‘Green Belt’ and, together with the proposed approach to settlement boundaries, would seek to strategically manage the future built form of Cardiff’s urban area and protect the setting of the city beyond the period covered by the Plan. PPW¹¹¹ sets the framework within which Green Belts should be designated, specifically stating that the most important attributes are their permanence and their openness¹¹². It also goes on to clarify the purpose of a Green Belt which is to: prevent the coalescence of large towns and cities with other settlements; manage urban form through controlled expansion of urban areas; assist in safeguarding the countryside from encroachment; protect the setting of an urban area; and assist in urban regeneration by encouraging the recycling of derelict and other urban land¹¹³.
- 9.7. In light of the substantial growth envisaged in Cardiff over the Plan period, in particular the extensive greenfield allocations together with significant development pressures within the south east region of Wales, the Council consider that the proposed designation is necessary to effectively manage the urban form, safeguard the countryside from encroachment and protect the green backdrop which is considered to represent a strategically important setting to the city. However, to the west, north and north-east of the proposed Green Belt are defensible borders in the form of steep topography and semi-ancient woodland whilst the M4 motorway lies to the south and nearby settlements are some distance away to the north, north-west and south-west. Given the use of the land beyond the proposed Green Belt and the extensive greenfield allocations proposed within the Plan, it is clear that the threat of urban coalescence is not central to its purpose in this case.
- 9.8. Openness is an important attribute of any Green Belt. Through the examination process, we have sought to establish whether the concept of openness could be applied to the area proposed as Green Belt. In response¹¹⁴, the Council has referred to the Landscape Study for Cardiff¹¹⁵ which lists the positive and negative attributes for the various landscape character areas comprising the proposed Green Belt, including the Garth Hill Uplands, Pentyrch Ridges and Valleys, the Fforest Fawr and Caerphilly Ridge and the Caerphilly Ridge

¹¹¹ Planning Policy Wales, section 4.8

¹¹² Planning Policy Wales, paragraph 4.8.5

¹¹³ Planning Policy Wales, paragraph 4.8.3

¹¹⁴ Council Response to Action Point 2 of Hearing Session 12

¹¹⁵ Landscape Study of Cardiff, Atlantic Consultants, May 1999

Foothills. Specifically, the study highlights that, in terms of landscape and topography, the concept of openness can be applied to the area identified. The presence of specific areas of land that do not command extensive views across the City, including undulations and minor stream valleys, are acknowledged. However, such areas clearly form an integral element of the wider landscape and, for this reason, we are satisfied that it is considered as such.

- 9.9. Consistent with the requirements of national policy, the Council has been required through the examination to demonstrate why it is considered that normal planning and development management policies would not provide the necessary protection. In doing so, it has referred to the significant development pressures within the area and the cumulative harm that has been caused in recent years by incremental developments. The Council has made specific reference to a review of planning applications determined since 2000, which is considered to reveal a marked increase in the number of development proposals approved in this area, particularly for single dwellings and associated residential developments¹¹⁶. However, it became clear through the examination that a high proportion of the applications considered as part of this review related specifically to developments that represent policy exemptions under national policy, including conversions and replacement dwellings. This evidence does not, therefore, unequivocally support the need for Green Belt, particularly given that such developments are excluded from the definition of inappropriate development in Green Belts, as outlined in PPW¹¹⁷. In addition, it remains unclear as to how factors such as the lack of an up-to-date development plan and a limited land supply had impacted upon such historic applications.
- 9.10. Nevertheless, the pressure for development within Cardiff is undeniable, with the undeveloped area proposed as Green Belt no exception. Indeed, such development pressures are reflective of Cardiff’s critical role within the south east region and more widely as the capital city of Wales. Within this context, there is little doubt that incremental developments north of the M4 could have potential to cause cumulative harm to the distinctive green back drop to the City. As such, the additional protection that would be provided by the presumption against inappropriate development in a Green Belt would serve a useful planning purpose. Specifically, it would give priority to maintaining the openness of the area and would, as such, provide a level of protection beyond that offered by other planning and development management policies. Indeed, such a designation would complement the other policies within the Plan by assisting in the wider management of the urban form, safeguarding the countryside from encroachment and protecting the strategically important setting of the city.
- 9.11. A fundamental characteristic of any Green Belt, however, is its permanence. Specifically, PPW states that, when considering a Green Belt designation, local planning authorities should ensure that a sufficient range and choice of development land is available which is suitably located in relation to the existing urban edge and the proposed Green Belt, bearing in mind the longer term need for development land, the effects of development pressures in areas beyond the

¹¹⁶ Council’s Response to Action Point 2 of Hearing Session 12

¹¹⁷ Planning Policy Wales paragraph 4.8.16

Green Belt and the need to minimise travel¹¹⁸. There is little to demonstrate that such longer term implications of a Green Belt designation have been fully explored, particularly given the strategic approach to planning advocated through the Planning (Wales) Act 2015.

- 9.12. We also note that, at deposit stage, there was no cross-boundary support for the designation of areas in Cardiff as either Green Belt or Green Wedge and in discussions as part of the joint working it was agreed that it was necessary to look beyond the period of the LDP when considering what areas needed protective designations to avoid preventing further growth options¹¹⁹. Indeed, there is no doubt that the permanence of a Green Belt designation would have potential to prejudice the conclusions reached through a regional approach to planning, particularly given that evidence submitted to the examination indicates that a Strategic Development Plan for the south east region is likely to be adopted in advance of the end date of the LDP.
- 9.13. Despite this position, the Council has made it clear that it considers that a Green Wedge designation would fail to provide the necessary protection for the setting of the City. There has also been considerable public support for the allocation of a Green Belt, also evidenced through representations made on the consultation following the additional hearings. Nevertheless, PPW is clear that Green Wedges may be justified where land is required to serve the same purpose as a Green Belt, save for the level of permanence. In this respect, replacing the proposed Green Belt designation with a Green Wedge would enable the openness of the area, and the setting of the City, to be appropriately protected during the lifetime of the Plan, with further strategic consideration given to the need, form and function of a Green Belt through any subsequent strategic development plan process.
- 9.14. Considerable weight should be attached to the need to avoid prejudicing the outcomes of any strategic approach to planning and, as such, a change is necessary in the interest of achieving a sound Plan. Accordingly, it is recommended that the proposed Green Belt designation be replaced in its entirety by a Green Wedge designation (**Inspector MAC1**). This change has been subject to consultation and the necessary SA has been undertaken. The SA refers to the change as having the potential to weaken the Council’s ability to deliver the spatial strategy through developers holding back on brownfield regeneration and the risk of the Green Wedge designation being “rolled back” during the Plan period. However, a Green Wedge would have the same policy effect as a Green Belt and there is little evidence that the Green Wedge would be “rolled back” as part of the development plan review process. The change would therefore not undermine the Plan’s Strategy.

10 Natural Environment, Natural Resources & Green Infrastructure

Natural Environment and Green Infrastructure

- 10.1. Changes proposed by **MAC15**, would add clarity to Policy KP16: ‘Green Infrastructure’ by removing the word ‘created’, thereby providing a suitable

¹¹⁸ Planning Policy Wales, paragraph 4.8.8

¹¹⁹ Summary of Cross Boundary Working (September 2013)

framework for the protection, enhancement and management of Cardiff’s distinctive natural heritage assets. Moreover, changes proposed by **MAC31** would address internal tensions in Policy EN6: ‘Ecological Networks and Features of Importance for Biodiversity’, thereby providing sufficient protection for ecological networks and biodiversity features of importance. In addition Policy EN8: ‘Trees, Woodland and Hedgerows’ would adequately protect Cardiff’s trees, woodland and hedgerows of natural heritage or amenity value.

- 10.2. Policy EN5: ‘Local Nature Reserves and Non-statutory Sites of Nature Conservation and Geological Importance’ would provide specific protection for Cardiff’s designated sites. **MAC30** ensures that this Policy would incorporate sites of international and national nature conservation importance. Such amendments are consistent with both the legislative requirements and national policy and therefore render the Policy sound. Due to practicalities of mapping, locally designated sites would be identified on the Constraints Map, along with other higher level designations. **MAC72** adds clarity to the Plan’s proposals by ensuring that all designated sites covered by Policy EN5 are listed in the Plan’s appendices.
- 10.3. Policy EN7: ‘Priority Habitats and Species’ sets out circumstances where development proposals that would have a significant adverse effect on the continued viability of habitats and species identified as priorities in the UK or Local Biodiversity Action Plan would be permitted, including situations where mitigation and compensatory measures would be necessary. **MAC32** rectifies the omission of legally protected species from the submitted version of the policy and, subject to this change, the policy is sound.
- 10.4. Policy EN3: ‘Landscape Protection’ provides protection for the landscape and the setting of the City, with particular priority given to protecting, managing and enhancing the character and quality of five Special Landscape Areas (SLAs)¹²⁰. The SLAs have been designated on the basis of the LANDMAP assessment process as recognised by PPW. Subject to the changes proposed through **MAC28**, which adds greater clarity to the policy, its provisions are soundly based and supported by a robust and credible evidence base.
- 10.5. Policy EN4: ‘River Valleys’ would, amongst other things, specifically protect, promote and enhance the natural heritage, character and other key features of Cardiff’s river corridors. **MAC PM8** proposes to define the boundary and **MAC PM9, MAC PM10, MAC PM11** and **MAC PM12** propose changes to the boundaries of the designation on the Proposals Map. Such changes add clarity and certainty to the Plan’s proposals and are therefore recommended. The Council has proposed, through MAC29, to amend Policy EN4 to refer to Natural Resources Wales (NRW) as opposed to Countryside Council for Wales (CCW). However, as this is not a matter of soundness, it is not recommended in this Report.
- 10.6. On the basis that the Plan should be read as a whole and alongside national policy, the approach to the natural environment and green infrastructure satisfies the tests of soundness.

¹²⁰ As evidenced by Evidence Base documents EBL 01- 04

Natural Resources

- 10.7. Policy KP15: ‘Climate Change’ seeks to mitigate against the effects of climate change and adapt to its impacts. **MAC14** amends this Policy to better reflect national policy in relation to development and flood risk and to ensure consistency with other Policies within the Plan. Policy EN14: ‘Flood Risk’ would also be amended by **MAC36**, which is necessary to adequately reflect the principles set out in national policy¹²¹ and ensure that the Constraints Map is updated to reflect the most up-to-date development advice maps at the time of adoption. The same change would also ensure that relevant requirements for Flood Consequences Assessments (FCA) and Sustainable Urban Drainage Systems (SUDS) are set out in policy wording, as opposed to the reasoned justification.
- 10.8. Policy EN12: ‘Renewable Energy and Low Carbon Technologies’ aims to encourage developers of major and strategic sites to incorporate renewable and low carbon technologies into developments. **MAC34** adds clarity and consistency to the Policy, whilst also specifying that further guidance in relation to energy assessments will be issued in the form of Supplementary Planning Guidance (SPG). Together with Policy KP5: ‘Good Quality and Sustainable Design’ and Policy KP15, the Plan’s approach to combating and adapting to Climate Change and maximising renewable energy is one that is soundly based.
- 10.9. Policy KP18: ‘Natural Resources’ seeks to minimise impacts on the city’s natural resources and minimise pollution, whilst Policy EN13: ‘Air, Noise, Light Pollution and Contaminated Land’ seeks to prevent unacceptable harm caused by air, noise, light pollution or land contamination. **MAC17** and **MAC35** respectively update these policies to better reflect the legislative definition of land contamination. Policy EN10: ‘Water Sensitive Design’ provides a framework for the management of water through planning and urban design and Policy EN11: ‘Protection of Water Resources’ seeks to prevent unacceptable harm to the quality or quantity of waters. Having regard to the presence of separate legislation and the Plan’s monitoring framework, as amended by MAC75, the approach is considered sound.
- 10.10. Therefore, subject to the recommended changes, and on the basis that the Plan should be interpreted as a whole, the proposed approach to natural resources is sound with respect to the tests of soundness.

11 Historic Heritage

- 11.1. Policy KP17: ‘Built Heritage’ seeks to protect, manage and enhance Cardiff’s distinctive heritage assets. **MAC16** proposes an amendment to the Policy to ensure that registered historic landscapes are covered by the provisions of the policy. Subject to this change, the Policy provides a suitable high level framework for the delivery of the Plan’s aims and objectives in respect of heritage assets.
- 11.2. Policy EN9: ‘Conservation of the Historic Environment’ provides a more detailed development management policy in respect of Cardiff’s built heritage assets.

¹²¹ Planning Policy Wales and PPW Technical Advice Note (TAN) 15: ‘Development and Flood Risk’

Representations submitted to the Examination suggested that the Policy should set a higher level of protection. However, the policy is consistent with the statutory tests¹²² and those set out in national policy and is therefore, soundly based. Subject to **MAC33** and **MAC73**, which would add clarity to the Plan by ensuring that each area of protection covered by Policy EN9 is listed in the Plan’s appendices, the Policy would provide a sound and effective framework for the determination of planning applications. The Council has also made a commitment to ensure that the boundaries of the identified areas of protection are up-to-date on the Constraints Map at the time of adoption of the Plan and, whilst this strictly lies outside of the scope of the LDP Examination, such an assurance is supported.

- 11.3. Accordingly, the Plan’s approach to built heritage and the historic environment is soundly based.

12 Minerals

- 12.1. National minerals policy is set out in Minerals Planning Policy Wales (MPPW) (2001) and is supplemented by Minerals Technical Advice Note 1: Aggregates (2004) (MTAN 1) and Minerals Technical Advice Note 2: Coal (2009) (MTAN 2). The South Wales Regional Aggregates Working Party (SW RAWP) prepared a Regional Technical Statement (RTS) dated 2008 and this has now been superseded by the RTS 1st Review, dated 2014. This document outlines the important matter of supply and demand for the South Wales region, specifically setting out the strategy for the provision of aggregates. The position in respect of crushed rock indicates that Cardiff has a surplus of permitted reserves when compared to the requirements set out in the RTS 1st Review and, as such, there is no requirement for an allocation within the LDP. Nevertheless, the Plan adequately recognises that Cardiff is an important provider of minerals within the region.
- 12.2. Policy KP11 provides the strategic framework for crushed rock aggregates and other minerals within Cardiff for the period covered by the Plan. Subject to **MAC11**, the Policy seeks to maintain a steady and adequate supply of minerals and contribute to aggregate supplies by promoting and supporting the efficient use of minerals, protecting existing mineral reserves and safeguarding potential resources from development that would preclude their extraction and maintaining a minimum 10 year land bank of permitted crushed rock aggregate reserves. Moreover, the Policy would safeguard wharves from development that would prevent their use for landing marine dredged sand and gravel and provide support for appropriate applications for sand and gravel extraction. The changes proposed through **MAC11** add clarity to the Policy and ensure consistency with both national policy and the framework set at the regional level. Subject to these changes, the Policy provides a suitable strategic level policy for the Plan period.
- 12.3. Representations from the industry have suggested that the Plan should provide strategic level guidance for industrial limestone and High Specification Aggregate (HSA). However, MPPW¹²³ recognises that high purity limestone is

¹²² Planning (Listed Buildings and Conservation Areas) Act 1990

¹²³ Minerals Planning Policy Wales, paragraph 81

extracted jointly with limestone for aggregate use and that it can be difficult to differentiate between the materials produced for the two different markets until after it has been processed. As such, and bearing in mind that the Plan makes provision for the protection of limestone reserves and potential resources, such an omission does not render the Plan unsound. Moreover, only a small area of Category 1 HSA is identified within Cardiff’s administrative boundaries and, as this is already protected by the Coal Safeguarding Area, it is neither practicable nor necessary to identify the area separately.

- 12.4. Policy M1: ‘Mineral Limestone Reserves and Resources’ seeks to safeguard mineral reserves from development that could cause sterilisation and thereby prevent their extraction. **MAC60** amends this Policy by also identifying the resource areas at Creigiau and Ton Mawr Quarries as ‘Preferred Areas’ of known resource suitable for the future working of limestone. These changes remove ambiguity, reflect national policy and are therefore recommended.
- 12.5. With regards the approach to safeguarding, it was agreed at the Hearings that the three separate policies included in the submitted version of the Plan could be effectively merged into a single criteria based policy, expanding on the framework set by Policy KP11. Accordingly, **MAC64**, **MAC65** and **MAC66** delete Policies M7, M8 and M9 respectively, whilst **MAC67** introduces the new integrated and criteria based safeguarding Policy M7: ‘Safeguarding of Sand and Gravel, Coal and Limestone Resources’. The new Policy M7 has had input from the industry, would provide greater clarity and would enable a more balanced and reasonable assessment of development proposals submitted within the identified safeguarding areas. It also explains the reasoning for not separately identifying the small amount of Category 1 Sandstone HSA resource, as referred above. These changes are necessary for soundness and are therefore recommended.
- 12.6. The general approach to safeguarding reflects that outlined in the British Geological Survey’s (BGS) good practice guidance¹²⁴ insofar as it is consistent with Welsh Policy. Moreover, the safeguarding areas for sand and gravel, coal and limestone are clearly distinguishable on the Proposals Map. However, **MAC PM16**, which excludes international and national designations of environmental and cultural importance from the coal safeguarded area, is necessary to ensure consistency with the requirements of national policy. Likewise, the changes proposed through **MAC PM17** are necessary to correct errors on the Proposals Map and are therefore recommended. On this basis, and subject to the MACs recommended in this report, we are satisfied that the approach to safeguarding is soundly based.
- 12.7. Notwithstanding the fact that Cardiff’s existing minerals landbank means it is unlikely to be necessary to grant further permissions for mineral resource release within the Plan period, Policy M2: ‘Preferred Order of Mineral Resource Release’ sets out the sequential approach that would be adopted to assess such needs should it become necessary. This, alongside **MAC75**, which enables the monitoring framework to effectively monitor the landbank situation, would ensure that the Plan’s approach is reasonably flexible to enable it to deal with changing circumstances. Moreover, subject to **MAC61**, which improves the

¹²⁴ BGS Mineral Safeguarding in England: Good Practice Advice 2011

coherence and effectiveness of the Policy, whilst also ensuring consistency with national policy¹²⁵, the RTS 1st Review and the other Policies in the Plan, Policy M2 and its reasoned justification represents a sound basis for considering such proposals.

- 12.8. Concerns have been raised in relation to the potential for lateral extensions at Creigiau Quarry. However, Policy M2, as amended, is clear that any such extension or deepening application would only be considered acceptable where it would involve the swap of reserves for those considered to be environmentally sensitive. Given that the historic permission at Creigiau Quarry remains extant, this represents a pragmatic proposal that is soundly based.
- 12.9. Policy M5 aims to ensure that all proposals for mineral working or related development are accompanied by plans for restoration and suitable after-use of the site, in accordance with MPPW and MTAN1. Meanwhile, Policy M3: ‘Quarry Closures and Extension Limits’ identifies those areas where measures to prevent further mineral working will be sought in accordance with the provisions of MPPW. This Policy, as amended by **MAC62**, states that, to eliminate any doubt over possible re-working at the identified sites, measures to prevent further extraction and secure restoration and landscaping works will be pursued. Such measures will include the use of Prohibition Orders, consistent with the advice contained within MPPW.
- 12.10. Concerns have been raised regarding the status of the sites included in Policy M3, particularly whether they are in fact inactive. In this respect, the Council has clarified that Cefn Garw and Creigiau Quarries are in fact classified as ‘inactive sites’ in the RTS 1st Review (2014)¹²⁶. However, in recognition that only parts of the Creigiau Quarry are no longer considered appropriate for mineral working, only the southern and western parts of the quarry have been identified under Policy M3, consistent with the approach advocated through Policies M1 and M2. Highland Park and West End Brickworks do not meet the definition of aggregate quarries and are not, therefore, listed as ‘inactive sites’ at Appendix B of the RTS 1st Review (2014). However, it is common ground that they are in fact dormant and, as they are unlikely to be reactivated in the foreseeable future, their inclusion within the Policy is consistent with the general thrust of national policy.
- 12.11. Blaengwynlais Quarry was included within the submitted version of Policy M3, reflecting the Council’s concerns relating to its sensitive location and access constraints. However, as it does not comprise a formally inactive site, **MAC62** proposes its omission from the Policy, with any subsequent applications to be considered on their merits under the criteria provided by Policy M2. This approach rectifies any conflict with national policy¹²⁷ and, given the improvements to Policy M2 proposed under **MAC61**, any concerns regarding the environmental sensitivities of the site or indeed the access arrangements can be adequately addressed at the development management stage. **MAC61** and **MAC62** are therefore recommended.

¹²⁵ Policy Clarification letter CL-05-14

¹²⁶ RTS 1st Review (2014), Appendix B, Table 4: Inactive Aggregate Quarries in South Wales (2013)

¹²⁷ Minerals Planning Policy Wales, paragraph 19

- 12.12. Within the context set by MPPW¹²⁸, Policy M4: ‘Minerals Buffer Zones’ seeks to protect permitted mineral reserves and those resources identified as potentially suitable for future working from incompatible development. MTAN1¹²⁹ sets out minimum distances for buffer zones which should be adopted unless there are clear and justifiable reasons for reducing distances. In this respect, the Council has proposed bespoke buffer zones for each individual quarry, all of which are more extensive than the minimum distances set out in national policy. The buffer zones proposed are based on extensive research that measured the actual impacts of the blasting at each site¹³⁰. Based on this cogent evidence, the approach advocated is sound.
- 12.13. New Policy M8: ‘Areas where coal working will not be acceptable’ is proposed through **MAC68**. This policy identifies the areas within which coal working would not be considered acceptable, unless exceptional circumstances indicate otherwise. The aim of the Policy is to protect the amenity of existing residential properties and international and national designations of environmental and cultural importance. This approach is consistent with the advice contained within MPPW¹³¹ and MTAN 2¹³² and represents a sufficiently flexible and sound proposal.
- 12.14. The Plan acknowledges that there is a reliance on marine dredged sand and gravel which provides for an adequate supply to meet the majority of demand in Cardiff. Longer term solutions are being considered and the resource areas identified on the Proposals Map are adequately protected should they comprise a strategic solution in future. Policy M6: ‘Dredged Aggregate Landing and Distribution Facilities’ provides a framework for marine dredged operations, protecting existing wharves and providing assessment criteria for new or improved sand and gravel wharves and related facilities. The changes proposed through **MAC63** ensure that proposals for the provision and improvement of landing and distribution facilities for marine dredged aggregates within the sand wharves identified on the Proposals Map are not prejudiced. Such changes improve the clarity and certainty of the policy whilst also ensuring consistency with national policy. As such **MAC63** is recommended.
- 12.15. Therefore, subject to the changes recommended in this report, the Plan’s approach to minerals is soundly based.

13 Waste

- 13.1. The planning policy framework for waste in Wales changed significantly following the publication of the revised Technical Advice Note (TAN) 21: ‘Waste’ in 2014 and the more recent updates to PPW. Specifically, the new TAN 21 replaced the previous requirement for plans to provide for the land use requirements of the Regional Waste Plan (RWP), with monitoring arrangements to assess the capacity of the region against the Collections, Infrastructure and Markets Sector Plan (CIM Sector Plan) tonnage figures. The CIM Sector Plan approach is based on providing for likely future capacity across the region,

¹²⁸ Minerals Planning Policy Wales, Paragraph 40

¹²⁹ Minerals Technical Advice Note (MTAN), 1 Paragraph 71

¹³⁰ Background Technical Paper No 9: Minerals (September 2013)

¹³¹ Minerals Planning Policy Wales, Paragraph 15

¹³² Minerals Technical Advice Note (MTAN) 2, Paragraph 26-31 and 49-54

although regional monitoring and working arrangements have yet to be formalised and the first waste monitoring report introduced by TAN 21 yet to be issued.

- 13.2. Policy KP12: ‘Waste’ provides a strategic framework for the management of waste over the Plan period and, subject to **MAC12**, it is consistent with the approach advocated through the amendments to TAN 21. Specifically, the changes make reference to the CIM Sector Plan approach and delete references to the estimated land take requirement of 20.9 hectares identified through the now revoked RWP process. The proposed changes have full regard to the changes to national policy and are therefore necessary for soundness.
- 13.3. Policy W1: ‘Land for Waste Management’ allocates land at Lamby Way for the purposes of waste management. However, existing landfilling was due to cease at the site in September 2015¹³³ and the Council has confirmed that there are no plans currently to provide any additional waste landfill facilities on site. The Council has clarified that the site was initially included as an allocation within the context of the land take requirements set by the RWP and, in light of the number of waste management facilities that have relatively recently been granted planning permission¹³⁴, as well as the suitability of B2 industrial sites for such purposes, the allocation is now proposed for deletion under **MAC69** and **MAC PM18**. Notwithstanding such matters, the site would be located within a C1 flood zone, a SSSI designation and within the confines of the River Valley designation proposed under LDP Policy EN4. Accordingly, the allocation conflicts with both national planning policy and the wider objectives of the LDP and, for this reason, the deletion of the site is recommended.
- 13.4. The Council clarified at the Hearing session the important role on-going waste projects such as Prosiect Gwyrdd and the Cardiff Organic Treatment Project will have in meeting the ambitious waste and recycling targets set at the European and national levels¹³⁵. Moreover, the robust indicators and triggers included in the monitoring framework, as amended by **MAC75**, would complement the new regional monitoring arrangements set out in TAN 21 and would be sufficiently robust to ensure that waste capacity requirements for the region, as set out in the CIM Sector Plan (2012), are met.
- 13.5. Policy W2: ‘Sites for Waste Management Facilities’ seeks to provide a framework for the assessment of planning applications for waste management facilities. **MAC70** would amend this policy to ensure consistency with the CIM Sector approach and the requirements of TAN 21¹³⁶, whilst also affording policy status to requirements previously set out in the reasoned justification. This change adds greater clarity and consistency to the Policy and is therefore recommended. The Policy also clarifies that facilities for the handling, treatment and transfer of waste will generally be encouraged towards existing use class B2 general industrial land which provides for a range and choice of sites within the Plan period¹³⁷. This conforms to national policy¹³⁸ and, given

¹³³ Council’s Response to Action Point 14 of Hearing Session 15

¹³⁴ Council’s Response to Action Point 15 of Hearing Session 15

¹³⁵ Council’s Statement, Hearing Session 15, page 10

¹³⁶ PPW Technical Advice Note (TAN) 21 ‘Waste’, Paragraph 4.2

¹³⁷ Council’s Response to Action point 15 of Hearing Session 15

¹³⁸ PPW Technical Advice Note (TAN) 21 ‘Waste’, Paragraph 3.22

the industrial land supply figures for the area¹³⁹, would not adversely affect the Plan’s employment strategy.

- 13.6. Policy W3: ‘Provision for Waste Management Facilities in Development’ would require new developments to provide facilities for the storage, recycling and management of waste. This is consistent with national planning policy and would assist in meeting the challenging waste and recycling targets. Concern was raised at the Hearings regarding the provision for hazardous waste. However, this is not a requirement of national policy and, in any event, I am satisfied that the policy framework provided is sufficiently flexible and robust to deal with such proposals should they arise, with on-going monitoring providing an opportunity to adapt to any unforeseen circumstances.
- 13.7. The Waste section of the Plan, as amended by those MACs recommended below, has been prepared with due regard to the relevant legislation and national policy, as well as other relevant plans and policies. It would provide an appropriate framework for the assessment of waste management proposals and is, therefore, sound.

14 Other Development Management & Policy Considerations

- 14.1. Policy KP5: ‘Good Quality and Sustainable Design’ establishes the general principles against which the design of new developments would be assessed. Subject to **MAC7**, which amends criterion ix) to make reference to land contamination, the policy provides an effective basis for the determination of planning applications.
- 14.2. Policy H2: ‘Conversion to Residential Use’ provides an appropriate policy framework for the conversion of suitable space above commercial premises to residential use, whilst Policy H4: ‘Change of Use of Residential Land or Properties’ identifies the circumstances in which proposals for the conversion or redevelopment of residential properties to other uses outside of the Central and Bay Business Areas and District and Local Centres would be permitted. **MAC20** amends Policy H4 to ensure that any such change of use would not have an unacceptable impact on residential amenity.
- 14.3. Policy H5: ‘Sub-division or conversion of residential properties’ is proposed to be amended by **MAC21**. This change amends criterion i) by deleting the reference to proposed extensions to properties. As an extension may be considered acceptable in principle, this change is necessary to ensure that the policy is not unduly restrictive. Meanwhile, Policy H6: ‘Change of use or redevelopment to residential use’ strikes an appropriate balance in relation to proposals for the change of use, conversion or redevelopment of redundant premises, reflecting a particular localised issue. For this reason, it is soundly based.
- 14.4. Policy C1: ‘Community Facilities’ provides the policy context for new and improved community, health and religious facilities. **MAC49** adds clarity to this Policy and is therefore recommended. **MAC51** proposes a New Policy entitled

¹³⁹ Council Statement to Hearing Session 10: Erratum Tables

‘Protection of Existing Community Facilities’, with the purpose of rectifying an omission in the submitted version of the Plan. However, whilst the principles behind the policy are supported, the requirement to satisfy both criteria renders the policy ineffective. As such, MAC51 is not recommended. Nevertheless, simply replacing the word ‘and’ following criterion i with the word ‘or’ would enable the policy to function as intended. Indeed, such a change would rectify the omission in the submitted version of the Plan and would be consistent with the general thrust of the policy proposed by the Council. This change is necessary for soundness, would not undermine the SA process and is therefore recommended via **Inspector MAC2**.

- 14.5. Chapter 6 of the Plan provides a suite of policies relating to Open Space. Policy C3: ‘Protection of Open Space’ relates to the protection of existing Open Space, whilst Policy C4: ‘Provision for Open Space, Outdoor Recreation and Sport’ relates to the provision of new space. Policy C4 is amended by **MAC52**, which incorporates children’s play into the provision of the Policy. This change enables Policy C6: ‘Provision for Children’s Play’ to be deleted by **MAC54**. These changes avoid any unnecessary duplication and add clarity to the suite of policies and are therefore recommended. On this basis, and subject to the Council’s response to the matters raised at the Hearing¹⁴⁰, the Plan’s open space policies are consistent with national policy and are soundly based.
- 14.6. Policy C5: ‘Provision for Allotments and Community Growing’ proposed to seek provision of land for allotments on developments over 46 units. The Policy lacked clarity and was not justified by robust evidence. Therefore, in response to concerns raised at the Hearing, the Council proposes to delete the Policy in its entirety through **MAC53**. This change is necessary to ensure a sound Plan and is therefore recommended.
- 14.7. Policy C7: ‘Health’ is amended by **MAC55**. This change is necessary to delete reference to the location of fast food takeaways to ensure consistency with other Plan policies. It also makes the policy more focussed and is sound in all other respects.
- 14.8. Policy C8: ‘Planning for Schools’ and Policy C9: ‘New Education Facilities’ would be deleted by **MAC56** and **MAC57** respectively. However, a new Policy, which following the renumbering of the policies within the chapter would become New Policy C7: ‘Planning for Schools’, is proposed through **MAC59**. This approach avoids unnecessary repetition and provides an appropriate framework for the consideration of such proposals. Concerns have been made in relation to the proposed phasing. However, this adds necessary certainty to the delivery of such facilities which is particularly important given the scale of the sites allocated for development through the Plan process. Moreover, the Policy wording is suitably flexible to ensure that contributions would only be sought where a need has been identified and contributions will be negotiated and fairly and reasonably related in scale and kind to the development proposed.
- 14.9. Representations have suggested that a Policy is necessary to support the on-going expansion of Cardiff’s universities. However, no tangible evidence has been submitted to the Examination to demonstrate the growth anticipated and,

¹⁴⁰ Council Response to Action Point 8 of Hearing Session 16

in any event, concerns relating to the amenity of existing communities could be adequately dealt with under the provisions of the other policies within the plan and that set out in national policy. It was also submitted at the Hearings that the Plan should make provision for ‘Place Plans’. However, this has not been submitted as a proposal within the Plan and its omission does not render the Plan unsound. Notwithstanding this, should this be something the Council wish to progress, it could be a matter dealt with as SPG, outside of the scope of this examination.

15 Plan Monitoring, Implementation & Review

- 15.1. The Council accepted during the examination that Appendix 9, as submitted, did not set out a sufficiently clear and effective monitoring framework. Intervention strategies to address any delay were unclear and there was a lack of site specific targets and dates to monitor the delivery of development. A number of measures have been introduced to effectively monitor progress and take any necessary action to ensure delivery of the housing target. Firstly, the proposed changes would introduce new policies identifying the necessary infrastructure, including links to the IP for each strategic site and clearer timescales by which it is required. The monitoring framework, as proposed to be amended by **MAC75** would measure achievement of the 50:50 modal split target for all journeys over the Plan period; it would set out a programme for monitoring delivery of key infrastructure so that progress can be examined and it would identify what action would be taken if the delivery of infrastructure fails to progress as expected.
- 15.2. Secondly, a revised comprehensive trajectory would identify all the housing projected to come forward and identify the anticipated delivery rates, including for each of the strategic sites, against a delivery target sufficient to meet the housing requirement. Finally, the amended monitoring framework would link a commitment to take action if critical infrastructure does not come forward as expected and identify measures to be undertaken if the housing falls behind the projected target. We are satisfied that this is a proactive and flexible approach and the changes are necessary to ensure that there is always a forward looking monitoring process to identify problems with the delivery of necessary infrastructure long in advance of any difficulties arising and appropriate action being taken to ensure targets are met.
- 15.3. During the examination process the Council has developed in greater detail the targets and indicators for monitoring delivery of policies in the Plan. Other changes proposed by **MAC75** would enable more responsive monitoring over shorter time periods and reflect other proposed changes set out above. The Plan would also include an appendix listing proposed SPG to support the Plan and a timetable for preparation (**MAC74**). With these changes the Plan provides a robust mechanism for monitoring delivery, implementation and to establish when the Plan or individual policies need to be reviewed. It is also sufficiently flexible to deal with changing circumstances. The changes would ensure that the Plan satisfies the coherence and effectiveness soundness tests.

16 Overall Conclusions

16.1. We conclude that, with the binding recommended changes identified in this report and set out in Appendices A and B, the Cardiff Local Development Plan 2006 - 2026 satisfies the requirements of section 64(5) of the 2004 Act and meets the procedural, consistency and coherence and effectiveness tests of soundness in LDP Wales.

R Phillips

Inspector

R Jenkins

Inspector

Appendix A: The Council’s proposed changes recommended by the Inspectors

Appendix B: Inspector Matters Arising Changes