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Our Ref:
Your Ref: P:SDP:10:05/GL-Welsh Govt
Date: **26 November 2013**

Dear James

**Cardiff Local Development Plan - Deposit:
Welsh Government Response**

Thank you for your letter dated 10 October 2013 regarding consultation of your Deposit Local Development Plan (LDP) and accompanying documentation.

I would like to take this opportunity to offer my appreciation for the continued cooperation between your authority and the Welsh Government in moving the plan forward from the Preferred Strategy to the Deposit stage. This continual engagement, which I look forward to maintain as you progress towards the examination stage, has enabled a greater appreciation of the emerging evidence base to support the plan. The Welsh Government is generally supportive of the approach your plan is taking, although as you can appreciate there are instances where we have some concerns which will require further exploration, delivery being a key aspect. As the capital city of Wales it is imperative that your council has an up-to-date LDP in place and, subject to our comments, the Welsh Government seeks to ensure the plan is delivered not just for the benefit of Cardiff, but for Wales as a whole.

Our main concern is that the level of housing provision in the plan is a **deviation below the level of housing proposed in the Preferred Strategy by approximately 4,300 units**. This reduction in housing numbers is not considered to reflect the role and function of Cardiff at the centre of a capital region, as set out in the Wales Spatial Plan (2008 Update).

The Welsh Government's 2011 population projections indicate a potential downward trend in household formation which could result in a requirement not dissimilar to the current level of dwelling provision set out in the plan. Due to the significant nature of such a shift in the projections the Welsh Government has concluded that, potentially, the difference between plan provision and what will be the latest projections when the plan is examined does not affect the 'soundness' of the plan. You will of course need to consider the implications of the 2011 based household projections in detail and confirm the position.

The authority's migration led growth strategy projects a net increase of 40,000 new jobs which equates to 41,100 homes over the plan period, although alternative economic projections did include a higher level of potential growth of 54,000 jobs. The Welsh Government supports maximising the economic potential to ensure Cardiff can compete on the European and global stage. With this in mind, we consider there is an under provision in housing and addressing this inaccuracy would result in a **housing requirement of approximately 45,400 dwellings (as set out in the Preferred Strategy) with an additional flexibility allowance indicated by arrow symbols.**

Whilst it is important that all plans have a flexibility allowance built into them to ensure they can respond positively to future uncertainties, we have concerns that adding a numerical allowance of 10% in this instance is not appropriate for Cardiff. We do however seek to embed the flexibility principle into the plan through an alternative approach specific to your unique situation. **We consider the principle of a flexibility allowance is a firm commitment in the plan linked directly to the monitoring, released when necessary.**

Although demonstrating deliverability is essential to all LDPs, taking into account the scale of growth and mixture of brownfield sites and urban extensions proposed for Cardiff, it will be vital for your plan. We acknowledge the work undertaken to date, as well as further work on master planning and supporting infrastructure. These issues will no doubt be crucial to the examination discussions and I would recommend you continue to refine your position.

The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. I have considered the Deposit LDP in accordance with the consistency/coherence and effectiveness tests, and principally in accordance with whether satisfactory regard has been given to national planning policy (test C2). **The Welsh Government's representations are separated into 4 categories which are supported with more detail in the attached annex.**

Category A: Objection under soundness tests C2, CE2: Fundamental issues that are considered to present a significant degree of risk for the authority if not addressed prior to submission stage, and may have implications for the plan's strategy:

None.

Category B: Objections under soundness tests C2, CE1 & CE2: Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:

- B.1. Scale and Location of Growth**
- B.2. Deliverability**
- B.3. Strategic Sites**
- B.4. Gypsy and Traveller Caravan Sites**
- B.5. Green Belt**
- B.6. Best and Most Versatile Agricultural Land**

Category C: In relation to soundness tests CE2, CE3, CE4: whilst not considered to be fundamental to the soundness of the LDP, we consider there to be a lack of certainty or clarity on the following matters which we consider we can usefully draw to your attention to enable you to consider how they might be better demonstrated:

- C.1. Affordable Housing**
- C.2 Minerals Safeguarding**
- C.3. Monitoring Framework**

Category D: Matters relating to clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes:

Please refer to annex.

It is for your authority to ensure that the LDP is sound when submitted for examination and it will be for the Inspector to determine how the examination proceeds once submitted.

You should consider how you could maximise the potential of your LDP being considered 'sound' through the examination process. An early meeting is considered advantageous to discuss matters arising from this formal response to your deposit LDP and I would encourage you to contact me to arrange a mutually convenient time.

Yours sincerely



Mark Newey
Head of Plans Branch
Planning Division
Welsh Government

Attached: Annex

Category A. Objection under soundness tests C2, CE2: Fundamental issues that are considered to present a significant degree of risk for the authority if not addressed prior to submission stage, and may have implications for the plan's strategy:

- None.

Category B. Objections under soundness tests C2, CE1, and CE2: Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:

B.1. Scale and Location of Growth (Category B Objection)

i. Scale and Location of Growth - Scale

The latest Welsh Government population and household projections are the 2008 based projections, indicating that approximately 58,400 dwellings are required over the plan period. Planning Policy Wales (PPW) paragraph 9.2.2 states that these should form the starting point when preparing a plan. The Deposit LDP makes provision for 41,100 dwellings over the plan period 2006 to 2026. This is a **significant shortfall of 17,300 homes below the latest (2008 base) Welsh Government's household projections.**

The Welsh Government's 2011 based population projections were published in July 2013 which provide an indication of the direction of travel for the future. Whilst the 2011 based household projections have yet to be formally published (anticipated early 2013) officials from Planning Division consider the population and household projections will reduce over the plan period. **The authority will need to examine in detail the precise implications of the revised formal projections on their plan.**

The level of growth set out in the Deposit LDP should have regard to the **Wales Spatial Plan 2008 Update (WSP)** and **national policy**, as required in the Planning and Compulsory Purchase Act 2004 (sections 5(a) & (b)).

The Deposit LDP proposes to deliver significant growth of 41,100 dwellings and 40,000 new jobs between 2006 and 2026 (**Policy KP1 Level of Growth** – page 38). Whilst the Deposit LDP embraces the principle embedded in the WSP of the South East 'Capital Network', a networked city-region and capital functions (WSP, page 98) **we object to Policy KP1 'Level of Growth' on the basis that the housing provision does not adequately reflect the role and function of Cardiff being at the centre of a Capital region. The level of housing provision should revert back to that proposed in the Preferred Strategy, namely approximately 45,400 dwellings (excluding any flexibility allowance).**

The contribution from regional collaborative working (LDP **Supporting Document No.17** 'Summary of cross-boundary working' September 2013; same document as Preferred Strategy Background Technical Paper No. 7: 'Report of Findings of Collaborative Officer Working Group 2012') assists in the provision of evidence and we commend this work. We note that the LDP Preferred Strategy advised that this working; *"produced a degree of consensus regarding levels of growth. The general agreed view was that, based on the evidence of need and in order to meet its vision, Cardiff should go for a level of growth at the higher level of the range set out in the Edge Analytics report (2011). This would be*

between Options A and B in the 2011 consultation” (PS paragraphs 5.7 and 5.21ff). This evidence would support growth at the higher end of the options. This would equate to a level of housing growth above that identified in the Deposit LDP, reinforcing our position to revert back to the level set out in the Preferred Strategy.

The evidence base to support the plan’s growth has evolved since Edge Analytics undertook the evidence to support the Preferred Strategy in 2011. The 2013 update, **Supporting Document 18** Edge Analytics Report, ‘Cardiff - Population & Household Forecasts: Updating the Evidence’, (referred to at LDP Deposit paragraphs 4.15-18) revised the recommendations, as set out in the Report’s Executive Summary extract below:

E8. Cardiff’s current LDP dwelling allocation, guiding housing growth to 2026, has been set at 2,270 per year, 45,400 over the full plan period (this refers to the Preferred Strategy). This allocation was based upon evidence produced in 2011 using data inputs that have been superseded by new information from the 2011 Census.

E9. The latest scenario analysis, taking particular account of uncertainty associated with the future impact of international migration, suggests that a lower dwelling growth trajectory of 42,500 – 43,000 over the 2006-2026 plan period might be more appropriate.

Whilst we note LDP Supporting Document / **BTP No.1** Population and Housing Sep2013 (paragraph 5.5f), the Welsh Government considers that the revised recommendations contained in the Edge Analytics Report Update provide additional evidence that support the need to **increase** the level of housing provision in the deposit LDP.

Furthermore, with regard to assumptions present in the Edge Analytics evidence, data recently released by ONS on internal migration identifies Cardiff as the 10th ranked Local Authority with the largest cumulative increase in net internal migration (ONS Release, 14/11/13, Analysis of internal migration research series, years ending June 2009 to June 2011, Table 2, page 6). Between 2009-2011, the ONS identified 2,440 net internal migration moves to the City, which is substantially above the figure quoted in the Edge Analytics Report (June 2013). A potential undercount of net inflow to Cardiff again reinforces the potential to increase housing provision.

This should also be combined with matching housing provision not only to the ambitions of the local authority, but also the implications of becoming a **Capital region**, an economic driver, including the identification of an Enterprise Zone in Cardiff and the adjoining 2 Enterprise Zones in the Vale of Glamorgan (Cardiff Airport and St. Athan). Maximising the economic potential with an appropriate level of housing will be important to ensure Cardiff can compete on the European and global stage. The Welsh Government therefore considers that even with the revised evidence base the level of housing provision should be increased to that set out in the Preferred Strategy, i.e. approximately 45,400 dwellings (excluding flexibility allowance).

The Welsh Government is due to publish a Consultation Paper and Draft Planning Bill imminently, which seeks to maximise the positive impact planning can have. A key piece of evidence to support the proposals will be the Independent Advisory Group (IAG) Report “Towards a Welsh Planning Act: Ensuring the Planning System Delivers” 2012. The IAG Report highlighted better delivery on cross boundary issues, perceived as not appropriately addressed through current LDPs. A more strategic approach, potentially focused on the WSP city region concept could be beneficial. Whilst it will be for the Consultation Paper to explain the proposals, the principle of the city region approach expressed in the WSP will not decline; importantly there will be a greater focus in the future on this approach. This

reinforces the argument of ensuring Cardiff plans appropriately for its role and function, through an increased level of housing provision set out above.

With regard to **employment** provision the Welsh Government supports maximising job growth. The plan has tested three economic growth assumptions based on a general uplift of 0.75%, 0.5% and 0.25% (A, B and C respectively) albeit with differing growth levels for specific sectors. Reflecting on the identification of the Enterprise Zone and skill sets from tertiary education, the Welsh Government considers that options A (54,400 jobs) and B (40,700 jobs) are most appropriate as they both retain 0.75% uplift in financial services and business growth sectors (Table 4, 'Sectoral Employment Projections', page 20, LDP Supporting Document / **BTP No. 4: Economic**, 2013). Consequently, converting these growth levels into dwellings (**Supporting Document 18** Edge Analytics Report 2013, Table 1, page 5) equates to 61,040 and 52,340 respectively. The plan has therefore sacrificed the **potential of 13,700 jobs** when making provision for associated housing. This again reinforces the argument to increase housing provision, reverting back to the level set out in the Preferred Strategy. The level of job provision (40,000) has not changed from the preferred strategy to the deposit plan despite a changed housing provision needs clarification. This needs explanation.

The Welsh Government also considers that **the plan should specify in a policy the scale of employment land to be delivered over the plan period, alongside a broad breakdown of specific sites**, akin to the approach taken to housing provision in the plan (LDP page 43 - Table 1). This would assist in demonstrating the relationship between jobs and homes, as well as being fundamental to a monitoring system. It is unclear why this has not and cannot be achieved moving the plan forwards. We are not objecting to the sites, rather clarity on the scale of those sites contained within the plan. This would then align with other adopted LDPs.

The Welsh Government considers that **a criteria based policy to deal with employment proposals not identified in the LDP should be included**, in accordance with PPW (section 7.5.1, bullet 11).

ii. Scale and Location of Growth - Flexibility

LDP **Policy KP1** Level of Growth (page38) and Table 1 (page 43) sets out housing provision over the plan period totalling 41,100 dwellings plus a 10% flexibility allowance of 4,000 dwellings in the policy and referenced at paragraphs 4.38-42.

We object to Policy KP1 and consider that it should be drafted to state that the Plan makes provision for 45,400 dwellings with an additional flexibility allowance, as indicated by arrow symbols, committed to be released through direct links to the monitoring chapter.

The Welsh Government has stated at all other LDP examinations and their respective statutory consultation stages, that plans should incorporate a flexibility allowance, notionally 10% of the housing provision. The scale of growth we consider appropriate for Cardiff (45,400 dwellings) would imply a further 4,500 dwellings as a flexibility allowance if a notional 10% allowance (in accordance with policy drafting in recently adopted LDPs) was applied. We consider that this approach is inappropriate for Cardiff. We do however consider a need for the principle of a flexibility allowance to be embedded into the plan; the issue is by what means.

A critical part of ensuring an LDP can be found 'sound' is demonstrating the **deliverability** of the plan. The two issues that set Cardiff's plan apart from other LDPs is the scale to which a 10% flexibility allowance would equate (i.e. more than Monmouthshire's proposed total LDP housing provision) and the demonstration of delivery, with delivery being the most important element.

Cardiff's proposed level of growth is dependent upon the successful delivery of **8 strategic sites** (Policy KP2), 6 of which are major greenfield releases (total greenfield sites being approximately 18,000 dwellings) requiring increased **build rates** together with integration of **transport infrastructure** (Policy KP8) alongside brownfield sites. Whilst the Welsh Government does not seek to comment on what levels of development the industry can deliver, there does appear to be natural phasing limitations which could influence delivery. For example, within the same local housing market area the evidence from previous experiences indicate there may well be limitations on the number of builders operating, implications for outlets, avoiding competition within the same market, all culminating in a maximum number of units constructed per year. The Welsh Government does not seek to speculate on what this number may be, but with the mixture of larger scale greenfield sites proposed we consider this could have a bearing on the release and delivery of sites. The local planning authority and industry are best placed to comment on the implications of this point. The identification of further housing in the plan needs to ensure it is deliverable, rather than turn into an academic exercise. Careful discussion, based on evidence, by those relevant parties will be crucial in determining this point.

The Welsh Government notes that the **Key Diagram** (page 37) and the **Proposals Map** include arrowed symbols for "*potential future expansion in the plan period for flexibility*" i.e. at land beyond strategic sites C & D (Policy KP1). The LDP needs to be clear that these areas can accommodate the additional levels of development, with **monitoring triggers** for their release. The local planning authority need to provide sufficient detail to demonstrate that in broad terms, the flexibility allowance could be accommodated within such areas. **There needs to be a clear commitment in the LDP, linked directly to the monitoring framework, to ensure that through subsequent Annual Monitoring Reports (AMRs) the plan can respond quickly and positively to release sufficient land encompassed by the arrow symbols should the evidence indicate it is required.**

The Welsh Government stresses that this proposed solution is unique to Cardiff for the reasons expressed above. It is not appropriate to replicate this approach elsewhere through other LDPs.

iii. Scale and Location of Growth - Strategy

The Welsh Government does not object to the strategy proposed and consider a sufficient range and choice of sites is provided for in the Deposit Plan. The critical element will be one of phasing, timing and delivery, ensuring that the plan delivers the type and scale of growth in those identified locations.

iv. Scale and Location of Growth - Delivery of the Strategic Sites

We support the LPA's aspiration for growth (albeit at the higher housing provision of 45,400 dwellings) but **note that currently further evidence is required to fully demonstrate that the strategic sites are deliverable**; the examination will need to consider this.

To deliver the LDP, paragraph 4.23 states that an average build rate of 2,055 dwellings per annum over the entire plan period would be required, but due to lower than average

completions in early years of Plan period (2006-13), the residual required **build rate** is **2,295 dwellings per annum** (2013-26). **BTPNo.1**: 'Population and Housing' 2013; provides information on past completions (paragraph 4.11, section 7 and Appendices 1 & 2). In the 5 years to 2013 completions averaged **875pa** (2012/13 was 474), whilst we note a rate of over 2,000pa is evidenced for 2006-08 with flats on brownfield land accounting for a large proportion.

Whilst delivery of the plan would imply a significant uplift from past delivery rates, Cardiff does not benefit from an up-to-date plan led approach, reliant on an old Local Plan and parts of previous Structure Plans. Consequently, a lack of certainty, development opportunities and recent underperformance of the economy, could be argued to constrain the delivery of housing. It would therefore be unwise to solely consider past build rates as a potential brake to future growth. Evidence from the development industry will assist conclusions on the deliverability of future markets. Other matters such as master planning, infrastructure and lead in times are discussed further in our representation.

v. Scale and Location of Growth - Land Bank / 5 Year Supply

The plan aims to provide a range and choice of housing land; this accords with national policy. However, we note that the current housing land supply is inadequate with provision for only **2.9 years** at 1 April 2012 (the JHLAS 2012) (Supporting Document / BTPNo.1 – para 4.17-18). **The Welsh Government considers that the LDP needs to demonstrate that a 5 year housing land supply exists from adoption of the plan.**

Rows 5-6 of LDP Table 1 (page 67) indicate that there are a total of 9,267 unimplemented permissions or permissions awaiting legal agreements, with a 20% reduction allowance (i.e. row 15: minus 1,853). **The Welsh Government objects on the basis that there is currently insufficient evidence to justify why this specific reduction allowance is appropriate** given that many of these permissions have been unimplemented for many years and that, as indicated in the Population & Housing Technical Paper (Supporting Document / BTPNo.1, figure 8 on page 13), 84% of the land bank comprises flats (81% 1&2 bed flats). The local planning authority need to explain why a discount of 20% has been applied, rather than any alternative figure.

Row 12 of Table 1 in the plan assumes a 40% allowance for large windfall sites. As the Local Authority has no adopted up-to-date development plan; technically all permissions could be argued as windfall, with this figure further elevated by the high number of flatted developments/permissions. The authority should provide evidence to justify why the 40% allowance is appropriate. Table 1 also reduces the housing numbers by a further 842 units to account for flat conversions averaged from the past 10 years. As 84% of the land bank has been identified as flats and the Local Authority has acknowledged a potential redesign of such sites, it seems unlikely that past rates will be met. The implications of how this could impact on the housing provision should be explained in more detail.

vi. Scale and Location of Growth - Phasing & Infrastructure

Whilst **Supporting Document 18** Edge Analytics Report, 'Cardiff - Population & Household Forecasts: Updating the Evidence' 2013 contains dwelling growth trajectories, and Supporting Document / **BTP No.6** Infrastructure Plan contains some information on delivery periods for infrastructure related to key sites (Appendix page 65ff), there is little clarity in the Deposit Plan or its supporting documentation about the timescales/lead in times for the

development of the sites. **The Welsh Government object that the LDP does not currently contain sufficient detail to demonstrate when these sites are likely to be developed, which would include phasing of housing provision.** This then should assist in determining targets and triggers in the monitoring framework.

B.2. Deliverability (Category B Objection)

i. Deliverability - General:

We would wish to support the aspirations of the plans strategy to deliver growth for Cardiff based on evidenced need and with due regard to national planning policy. Strategic sites are proposed, many requiring major greenfield land release, significantly increased build rates and significant infrastructure improvements or additions. The examination will need to confirm that the evidence fully supports deliverability of the strategy in general, and the strategic sites in particular.

ii. Deliverability – Strategic Sites Master planning Approach:

The LDP strategy is clearly reliant on key strategic sites coming forward. **Policy KP2 Strategic Sites** (page 53) allocates 8 strategic sites, and Table 2 (page 54) provides a summary of the proposed uses for each site, including a total of 13,950 new dwellings as well as employment, infrastructure and community facilities.

Master Plans / Development Frameworks for these sites are essential to guide developers and future applications and we support the adoption by the Council of *“a master planning approach to all strategic sites and any other major new developments which may emerge”* (**Policy KP4 Master planning Approach** – page 62 and para4.84). The Plan advises that this approach is *“based on the sustainable neighbourhood objectives to the development of new sites supported by more detailed design guidance”, “which addresses the provision of infrastructure and phasing..and..puts in place a framework to ensure the orderly development of sites”* (paragraphs 4.4 and 4.28).

Policy KP4 requires major development to accord with the stated 10 master planning general principles and to guidance set out in site-specific master planning frameworks. We note that:

- Further information is provided by LDP **Supporting Document No.16: “Master Planning Framework”** September 2013 which outlines engagement with stakeholders (including developers, landowners, the public and the Design Commission for Wales) and contains 10 general principles, the strategic schematic framework, and, site specific frameworks for the 8 strategic sites (A-H).
- LDP **Supporting Document / BTP No.6 “Infrastructure Plan”** Sep2013 identifies where the strategic sites will have an impact on existing services / facilities and generate the need for new / additional infrastructure (its paragraph1.5).
- We note that the site-specific frameworks are to be drafted into **SPG Development Briefs** which are to be submitted to/at examination (Deposit LDP Paragraph 4.85 & Appendix 5); these will provide greater clarity and it is vital that they are subjected to adequate engagement prior to finalising drafting and to subsequent consultation.

Whilst the Deposit LDP and its existing and proposed supporting documentation aims to provide adequate clarity about the allocated strategic sites, **the Deposit LDP itself, as the prospective statutory development plan, currently does not provide what we consider**

to be the essential information and clarity concerning the delivery strategic sites in a policy form, supplemented by SPG if appropriate.

The examination will need to consider the level of detail required for the master planning approach; the range of information to be included and level of detail provided in the development plan itself, to ensure the plan provides an acceptable degree of certainty regarding the deliverability of the key strategic sites over the plan period (see below).

iii. Deliverability – Infrastructure / Community Infrastructure Levy (CIL):

The Welsh Government supports the LDP Infrastructure Plan, **BTP No.6** 'Infrastructure Plan' 2013. We also note that further work is proposed following the deposit consultation (LDP, paragraph 4.95). However, it is vital that the LDP provides clarity and robust evidence in relation to how key infrastructure requirements (including water, sewerage and drainage) will be funded and delivered, including for the strategic sites and the proposed sustainable transport solutions. **It is essential that there is no policy vacuum in the ability of the LDP to deliver the necessary infrastructure.**

PPW (section 3.7) & Policy Clarification Letter CL-02-2010 clarify the implications following introduction of the Community Infrastructure Levy (CIL) Regulations 2010 and subsequent amendments, particularly the ability, or not, to 'pool' more than five section 106 contributions after April 2014 (now proposed by DCLG to be amended to April 2015, confirmation through revised Regulations to follow).

The Welsh Government considers that the LPA needs to demonstrate what the infrastructure requirements are to support the plan, if there is a funding gap and hence the need to progress a CIL, the timing and financial contribution towards infrastructure the CIL could make, alongside S106 contributions.

Currently, **Policy KP7** 'Planning Obligations' provides little guidance on how, and to what, such contributions will be sought, or a priority order. The Welsh Government acknowledges that further work is being undertaken on the delivery of the strategic sites, however, **the Welsh Government considers that it would be beneficial to those seeking planning permission if the policy could be linked to the objectives of the plan to provide some degree of certainty.** It is accepted that the policy should not be a definitive list, but it would demonstrate delivery of the plan.

iv. Deliverability – Flood Risk:

The LDP strategy and allocations must have due regard to national policy relating to Flood Risk, as set out in PPW (paragraphs 5.13.2 & 5.13.3) and TAN15 'Development and Flood Risk'. This is particularly pertinent in TAN 15 (paragraph 10.8) which states that sites in Zone C2 should not be allocated for highly vulnerable development. This includes Class C3 residential use and Gypsy and Traveller Sites. Whilst we note that a Strategic Flood Consequences Assessment (SFCA) has been undertaken, **the thrust of national policy is to avoid such areas rather than mitigate and then continue.**

The Welsh Government issued revised Development Advice Maps (DAMs) in March 2013. **It is imperative that the authority confirms that the latest DAM maps have informed the site selection in the deposit draft. The Welsh Government supports Objective 3.f, although we consider further amendments to existing policies and clarification regarding the strategic sites is required to demonstrate that the plan fully complies with PPW and TAN15, as set out below:**

- Policy KP15 (v) should be amended to ensure consistency with national policy, i.e. avoid areas susceptible to flood risk in the first instance in accordance with the sequential approach.
- Paragraph 4.167 should be amended to acknowledge that the acceptability and justification tests of TAN15 are wider than just the FCA.
- Policy EN14 should be amended to acknowledge that the acceptability and justification tests of TAN15 are wider than just the FCA. Despite the supporting justification, EN (i) implies that it is appropriate to design out flood risk, rather than avoiding it, as set out in TAN15.
- Paragraph 5.211 (and the Constraints Map if appropriate) should be amended to reflect the 2013 DAMs.

B.3. Strategic Sites (Category B Objection)

The Welsh Government notes the evidence to support the strategic allocations and does not object in principle. However, further evidence is required to demonstrate how the proposals themselves will be delivered ensuring that areas susceptible to flood risk and highly vulnerable development are avoided. Specifically:

- **Policy KP2 (F) NE Cardiff (page 53)**: It is noted that an area of Zone C2 is within this allocation. Evidence to demonstrate that both in terms of highly vulnerable development and infrastructure to enable access and egress would be unaffected by the C2 designation is required. **The Welsh Government considers that the plan should demonstrate that the area has sufficient capacity to accommodate the stated uses and scale, as well as any infrastructure requirements to avoid conflict with regard to flood risk.**
- **Policy KP2 (H) South of St Mellons Business Park**: The site is completely within Zone C1 of the DAMs. TAN15 (paragraph 10.8) states that allocations should be justified under sections 6, 7 and Appendix 1. Although an SFCA has been completed, **the Welsh Government considers that the authority should explain why or how the proposal is justified under section 6 TAN15.** The Welsh Government understands that improvements to the sea defences are proposed as part of the allocation. The authority should **demonstrate the proposal can raise sufficient finance to undertake the appropriate defence improvements to the required standard**, to enable the allocation to remain in the plan, **taking into account climate change impacts.** The Welsh Government also notes the loss of SSSI area which is potentially at risk from sea defence breach and inundation; improvements to the sea defences could ameliorate this outcome, although a loss of area would still be necessary. **The authority, in conjunction with the appropriate statutory body (NRW) need to demonstrate the viability of this proposal with regard to the SSSI, and clarify the appropriate mitigation measures.**
- **Policy H7 Gypsy and Traveller Site Seawall Road**: TAN 15 (paragraph 10.8) states that sites in Zone C2 should not be allocated for highly vulnerable development. This includes Gypsy and Traveller Sites. **The proposed allocation (Policy H7) for 65 pitches is wholly within Zone C2.** The allocation would also appear to contradict Policy H8 (ii). The Welsh Government notes that further FCA work is being undertaken and that physical work to the sea defences would also be required flowing from the Shoreline Management Plan. However, there is currently no

commitment as to when or how this work will be undertaken (in terms of sea defences) again taking into account climate change. It is noted that the plan states “*the Phase 3 study will be progressed as a priority to allow the Council time to consider its findings and update details as appropriate prior to formally agreeing the LD submission and focussed changes in May 2014.*” **Until the outcome of this is known there remain questions regarding the deliverability of this site and implications if this is not achievable.**

B.4. Gypsy and Traveller Caravan Sites (Category B Objection)

- Identification of Sites to meet Need

Section 225 and 226 of the Housing Act 2004 place a duty on local authorities to consider the needs of Gypsy Travellers and have a strategy to make appropriate provision where there is an identified need, this is for both fixed and transit needs. The outcome should be the identification of a site(s) to meet an identified need as well as a criterion based policy to consider any new applications which may arise over the plan period (WG Circular 30/2007).

LDP Supporting Document No.21 ‘Gypsy and Traveller Needs Study’ (April 2013) identifies a need for 108 permanent residential pitches and a regional need for a 10 pitch transit site over the period 2012 to 2026 (LDP, paragraphs 2.1 & 5.35) further counts are available from January and July 2013. In addition the existing Rover Way site is potentially vulnerable to flooding in the medium term (LDP, paragraph 5.36) intrinsically linked to sea defence modifications (timing/funding). **This could result in an additional need of 21 replacement pitches, bringing the potential total need over the plan period to 129 pitches.**

Whilst **Policy H7** allocates land at Seawall Road for 65 pitches (see previous comments regarding potential flood risk issues) **the Welsh Government considers that the plan has not made sufficient provision to meet the level of need identified through the evidence.** Policy H7 also needs to add further clarity in that it is a residential site, with the total pitches identified in the policy itself.

The Welsh Government considers that the plan should not be stopped from being adopted because of this matter. The Welsh Government impresses upon the council to continue the progression of identification of sites, avoiding areas susceptible to flood risk. This is particularly pertinent having regard to the recently published Housing Bill which seeks to place a statutory duty on all local planning authorities to make provision in their respective LDP for Gypsy and Traveller sites, according to the evidence base. **It is vitally important that the LDP makes a clear commitment to deliver sites identified as required throughout the plan period, specifically tied into the monitoring framework.** Relevant triggers and actions, tied specifically to key dates, to ensure that further sites are identified to meet the level of need evidenced.

Whilst it is disappointing that a regional based **transit site** has not been progressed as quickly as it should have the imminent publication of the Consultation paper and Draft Planning Bill may well provide a statutory plan based approach to resolve this matter. **The Welsh Government considers that a more strategic approach to land use planning, as highlighted through the Independent Advisory Group (IAG) Report, would resolve transit site matters along the M4 corridor in the medium to long term.**

B.5. Green Belt (Category B Objection)

The Welsh Government objects to the inclusion of Policy KP3(A) ‘Green Belt’ and the identification of the area shown on the Proposals Map, which should be removed in its entirety. The Welsh Government considers that there is no necessity for the delineation of such an area as other policies can be used to refuse inappropriate proposals. With the current suite of proposals contained within the LDP to meet the identified needs, i.e. housing, there is no additional need for further policies which only duplicate the existing policy structure of the plan. This is unnecessary.

The Welsh Government considers that in light of a more strategic approach to planning that may come into force through the imminent Draft Planning Bill, which is currently anticipated to achieve Royal Assent before the programmed adoption of the plan (if found ‘sound’) a Green Belt designation is premature and could prejudice any conclusions arrived at through a more strategic approach. The Welsh Government considers that if a Green Belt is appropriate for the longer term then it would be better addressed outside of the LDP process. This would enable a more thorough discussion of the issues across potentially a wider physical area, taking into account wider issues.

B.6. Best and Most Versatile (BMV) Agricultural Land (Category B Objection)

Deposit LDP **policy KP2 Strategic Sites** (page 53) identifies three strategic sites which Welsh Government calculate could affect approximately **314 ha of BMV land** (site C plus arrowed contingency land, and sites F and G); the local planning authority is in possession of detailed Agricultural Land Classification information for these sites. It should be noted that the Welsh Government (BMV Agricultural Land Division) is currently objecting to the development proposal on land to the east of Pentwyn Road – Ref: 13/00578/DCO. The justification to policy KP18 at paras 4.180-181, whilst recognising that BMV land is finite, considers the loss of “some high quality agricultural land” to be “justified” “taking account of all relevant factors”.

The Welsh Government accepts that greenfield land will be required to meet the scale of growth identified, as necessary to support the vision and evidence, over the plan period. However, the Welsh Government considers that the scale of loss is of national significance and should not be disregarded lightly. **The Welsh Government considers that the LPA should thoroughly evidence the selection of sites and demonstrate that any loss of BMV agricultural land is minimised, only used when fully justified, as set out in PPW, paragraph 4.10.1.**

Category C. In relation to soundness tests CE2, CE3, CE4: whilst not considered to be fundamental to the soundness of the LDP, there is considered to be a lack of certainty or clarity on the following matters which can usefully be drawn to your attention to enable you to consider how they might be addressed:

C.1. Affordable Housing (Category C Objection)

Maximising the delivery of affordable continues to be a Ministerial priority. It is important that the LDP target should reflect the Council’s attempt to optimise the opportunity to deliver affordable housing, such as minimising thresholds. The Welsh Government

considers that currently it is unclear as to whether affordable housing provision is maximised.

i. Affordable Housing - Level of Need:

The deposit LDP identifies a need for over 3,989 affordable homes per year (LDP Supporting Document No.19 Local Housing Market Assessment Update 2013) for the next 5 years (LDP, paragraphs 2.1 & 5.7). The LDP sets a target of 6,953 affordable homes to be delivered through the planning system over the remaining 13 years of the plan period (Policy KP13i & paragraph 4.149). The relationship between the LHMA need of 3,989 over the next 5 years and 6,953 over the plan period is unclear, i.e. $3,989 \div 5 = 720/\text{year}$, then multiplied by 13 = 10,270. Whilst it is accepted that the 5 year level of need should take into account any under delivered backlog, the **Welsh Government objects in that there still appears to be some uncertainty around what the overall level of need for the plan period actually is which requires greater clarity**. It would also assist if other sources of delivery could be identified in the supporting text (paragraph 4.149) not policy, which may close this potential gap.

ii. Affordable Housing - Maximising Delivery:

Greater clarity is required in the LDP as to how the target of 6,953 in Policy KP13 and the thresholds in Policy H3 has been arrived at. Whilst we assume that the LDP Supporting Document No.20 Affordable Housing Viability Assessment (2013) (i.e. Cardiff LDP Economic Viability Report - P. Brett Sept 2013) provides this rationale; it also suggests that all housing developments make contributions, including commuted sums (where on-site delivery is impractical) for all schemes. However, the LDP sets a threshold of 10 dwellings and 0.3 hectares in Policy H3. **The Welsh Government objects and considers that the outcome of the evidence base should be reflected in modifications to reduce the thresholds and provide a set level for commuted payments**. It is for the LPA to evidence and justify the 20% and 30% sought through Policy H3.

C.2. Minerals Safeguarding (Category C Objection)

i. Minerals Safeguarding - Sand and Gravel:

Whilst it is acknowledged that the scale of growth and the need for strategic sites means the loss of greenfield land, necessary to deliver the growth and realise the vision of the plan, the Welsh Government considers that the LPA needs to explain clearly the decisions made in terms of identifying sites and safeguarding for sand and gravel, as stated in **Policy M7**. An example of this is strategic site KP2(G) East of Pontprennau Link Road. Category 1 sand and gravel resource on the national aggregates safeguarding map overlaps in part the allocation. It may be that the resource is not compromised in the future, or indeed there could be prior extraction. Further clarity is sought on this point.

A block of Category 1 sand and gravel exists to the south west of Tongwynlais, although this is currently shown solely as part of the limestone safeguarding area. This appears to be an omission and should be rectified accordingly.

ii. Minerals Safeguarding – Limestone:

The same principle applies with **Policy M9** 'Limestone Safeguarding' as above with sand and gravel. The resource is identified as a Category 1 on the national safeguarding map. Clarity is required as to how the resource has been taken into account when determining site selection. Although this mineral is different to sand and gravel, it may be useful to cross reference Policy M9 to Policy KP3(a) with regard to inappropriate development and to

indicate that it would be expected that policy M9 and KP3(a) be mutually reinforcing over the plan period.

C.3. Monitoring Framework (Category C Objection)

The monitoring framework (MF) needs to be appropriate in enabling progress of the Plan's implementation to be measured, early alert to avoid non-delivery and providing the basis for consideration of review.

The MF (Deposit LDP section 6 and Appendix 9) includes WG core output indicators and local output indicators, and includes policy targets, trigger points (for 'further consideration' – para 6.8), related LDP policies and base levels. LDP para 6.9 refers to possible future changes to the indicators; whilst we accept this may be appropriate, it will be important to be able to provide comparative data over the monitoring period.

Further refinement to the MF is necessary to address:

- The lack of specified targets and triggers within the framework for SPG (including and strategic site development briefs) upon which delivery of the strategy relies; although we recognise that a significant number of SPG documents are to be available for the LDP examination (LDP Appendix 5(1)).
- The spatial progress of development and related phasing, especially with regard to the strategic sites.
- The phasing of the development sites and how shortfalls in housing delivery, particularly on key housing sites, trigger consideration for action and particularly for plan review.
- The relationship between the uptake of employment land and housing provision.
- Targets and triggers should be included to ensure that key factors on which development phases rely are being satisfactorily progressed, e.g. planning permissions, infrastructure.
- Provision of triggers so that any significant shortfalls in progress (e.g. relating to strategic sites, housing, gypsy traveller sites/pitches) can be identified as early as possible through the AMRs.
- Relationship of targets and triggers to the statutory 4-yearly review period, and appropriateness of certain annual targets and triggers.
- Possible inclusion of appropriate targets and triggers for renewable energy (see our earlier comment & LDP para 5.184).
- Affordable housing requires target and trigger numbers; consideration also needs to be given to how to adapt to changing economic circumstances, ensuring the financial viability of sites remains positive.
- Base level for Gypsy & Traveller is incorrect.
- Reconsider need for local indicators on page 64; meaning and appropriateness for the LDP is not clear.
- The arrangement of the chart is such that the WG core output indicators don't always relate to the local output indicator and therefore the related targets/trigger/policies contained in the same row. It would also be preferable, where appropriate, to amend core indicators to reflect local circumstances.
- In the context of LDP manual guidance (section 9.5) the implications of the recently published Sustainable Development Indicators to be collected from April 2013 onwards and the ongoing LDP Process Refinement Exercise should be considered in finalising the MF; see at following links:
new SD indicators link: <http://wales.gov.uk/topics/planning/policy/dear-cpo-letters/strategic-monitoring-framework/?lang=en> ;

PRE Report link: <http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/ldp-process-refinement-report/?lang=en>).

Category D. Matters relating to clarity of the plan generally which may be of assistance to your authority and to the Inspector in considering suitable changes.

PPW References should be the latest edition. Deposit LDP para 5.9.6 refers to paragraphs 7.6.8, 7.6.9 & 7.6.10 which were removed from PPW version 5.

Policy KP3(B) Settlement boundaries (page 61) – Policy KP2 Strategic Sites C&G on the Proposals Map are not entirely included within the defined settlement boundary.

Policy KP16 Green Infrastructure (page 85): refers to green infrastructure being ‘created’. This wording is considered superfluous and should be deleted.

Policy KP18 Natural Resources (page 88): further clarity is required as to how these factors have been taken into account in site selection. The policy also appears to largely repeat national policy.

Policy H8 Sites for Gypsy and Traveller Caravan (page 103): The Welsh Government considers the following amendments to the criterion of the policy would be advantageous:

- Criteria i: Paragraphs 19, 20, 21 & 26 of Circular 30/2007 may assist in focusing the criteria.
- Criteria ii: If ‘residential development’ were to be replaced by reference to highly vulnerable development (TAN15) this would also capture caravans.
- Criteria iii: Compliance with the WG ‘Good Practice Guide for the Design of G&T Sites’ is a condition for bidding for WG grant funding only. It has no application for private sites. Internal layout may be nest left to end users and the LDP could reference this in the supporting text.
- Criteria iv: This could be construed as being too onerous. Potentially it could be reworded more positively indicating that conditions could be imposed.
- Criteria v: Reference to a ‘touring site’ appears to confuse the policy, i.e. a transit site? What is the relationship between access to the primary highway network and paragraph 21 of Circular 30/2007?

Policy EN1 Countryside Protection (page 114):

- TAN6 2010 (para4.3.2) uses a broader term ‘rural enterprise’ which Policy EN1 should reflect.

- criterion vii would benefit from redrafting as it appears ambiguous and its deliverability is questionable.

Policy EN4 River Valleys (page 121): the River Corridors boundaries shown on the Proposals Map are ambiguous in places and could be drawn more tightly to ensure the policy is applied appropriately.

Policy EN12 Renewable Energy & Low Carbon (page 135): The LPA have undertaken a ‘Renewable Energy Assessment’ (para5.184) although this has not been translated into policies which could guide development to more favourable locations. **The Welsh Government consider that the LDP could include a policy which achieves this goal,**

setting criterion against which proposals could be judged, based on the current evidence base.

Paragraph 5.184 appears to set targets which should be explicitly stated in the policy itself, if this is indeed what the LPA is seeking to achieve? Likewise, paragraph 5.186 appears to be phrased as a policy, i.e. 'Developers are expected to submit an independent energy assessment ..' Again, this should be phrased as part of Policy EN12. Desired outcomes should be referenced in the supporting text, i.e. what the LPA is seeking proposers to achieve? One could argue that when preparing the plan the LPA should identify this and be more explicit, thereby negating the need to push the onus on proposers.

It is recognised that much technical work has been undertaken on the strategic sites (Policy KP4 principle 10; LDP Supporting Document 16 Masterplanning Framework), albeit with further work to follow. Further clarity on what could be achieved in terms of renewable energy and the influence that may have on specific locational criteria for development, i.e. Combined Heat and Power would be advantageous.

Policy EN13 Pollution & Contaminated Land (page 136): The policy appears to be generic and treats all areas equally, although there are varying issues across Cardiff where a more specific approach could be beneficial. Policies KP4 'Master Planning' and KP5 'Good Design' could be reviewed to consider how such matters could be considered at the earliest stage. PPW also states that 'special' consideration should be given to quiet areas, as recognised in paragraph 5.200, although there is no explanation of what this may mean for the plan.

Policy C4 Open Space (page 172): The plan uses the 'Six Acre Standard' (Fields in Trust) which is included in TAN16 as an annex for reference only, as one possible methodology for considering the need for open space provision. TAN16 recommends that the LPA undertake an open space assessment, identifying existing needs and future demands, comparing existing provision and setting out a policy framework to meet the anticipated demand for additional open space within the LDP. The evidence base includes an Open Space Survey (2009) It should be made clear as to why the LPA has chosen the standard included in the LDP.

Proposals Map / Constraints Map: The Proposals Map forms part of the LDP, whilst the Constraints Map does not. It is vital that all proposals are shown on the Proposals Map rather than the Constraints Map, including the transport proposals which are currently shown on the Constraints Map.

The Constraints Map (September 2013) should reflect the latest DAMs.

Supplementary Planning Guidance: Deposit LDP paragraph 1.17 advises on proposed SPG and refers to the list at LDP Appendix 5 (page 26). This list provides 2 preparation categories. Category 1 lists SPG to be "submitted prior to/at examination"; the meaning of this is unclear. We note that Deposit LDP (paragraph 4.85) advises that **SPG Development Briefs** "will follow the normal SPG consultation process prior to the LDP examination", yet this information is not clarified generally for category 1 SPG. In addition, LDP Appendix 5 SPG (page 26) should be amended as it gives DP policy numbers rather than the correct policy references.
