



## CABINET – 11TH DECEMBER 2013

**SUBJECT: DEPOSIT CARDIFF CITY LOCAL DEVELOPMENT PLAN - CONSULTATION**

**REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE**

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### 1. PURPOSE OF REPORT

- 1.1 To provide Members with an overview of the Deposit Cardiff City Local Development Plan Strategy and policies and identify where the plan impacts on Caerphilly County Borough interests.
- 1.2 To seek approval to forward comments, arising from impacts upon Caerphilly County Borough interests, to Cardiff City Council, as the formal comments of the authority.

### GLOSSARY OF ACRONYMS, ABBREVIATIONS AND TERMS

*Deposit LDP* .....Deposit Cardiff City Local Development Plan Up To 2026

### 2. SUMMARY

- 2.1 Cardiff City Council formally published the Deposit version of its Local Development Plan (Deposit LDP) on Tuesday 15 October and it is subject of a six-week consultation period concluding on 26 November 2013. Caerphilly County Borough Council have been formally consulted on the Deposit LDP as part of the Deposit Plan process.
- 2.2 The Deposit LDP makes provision of land for 41,100 new dwellings and 40,000 new jobs. Whilst this level of provision is high, the supporting evidence indicates that this level of provision is appropriate and, as such, no objections are raised on this issue.
- 2.3 The Deposit LDP provides the majority of the new housing and employment allocations in 8 Strategic Sites. Two of these sites are located north of Junction 33 of the M4 Corridor, whilst 2 are located north and east of Pontprennau, close to the Caerphilly County Borough Council administrative boundary. The close proximity of the two sites at Pontprennau and, to a lesser extent, the site north of Junction 33 of the M4, could lead to adverse impacts on the development market within the Caerphilly Basin, historically the area with highest development potential and pressure. The potential impacts can be mitigated, however, by careful phasing of development within the Masterplans proposed for each Strategic Site.
- 2.4 Policy KP3 (A) designates a Green Belt in the area north of the M4 to the Cardiff City Council boundary in order to protect the openness of this area that forms the backdrop to the city. The adjoining areas of in Caerphilly have not been allocated as Green Belt, but are located outside settlement limits and have additional protective landscape designations that combine to provide protection from development. Despite the Green Belt designation there is no divergence between the protection of the open countryside in both areas and, as such, no objections are raised on this issue.

- 2.5 Whilst the Deposit LDP sets out a comprehensive transport strategy for the city, the plan acknowledges that a significant shift in travel modes, away from the car, will need to take place over the plan period if the highway network is to accommodate the predicted level of transport movements from the allocated development. The LDP sets a target of achieving a 50:50 split between car borne traffic and other modes, and whilst this is ambitious and necessary to accommodate the level of development, no objection is raised in respect of this issue.
- 2.6 The Deposit LDP does not, however, make reference to the issue of commuting and the likely increases in traffic movements from outside the city, particularly in respect of commuting to new job opportunities. The City already experiences a daily in-commuting level of 77,900 trips, with 80% of these being car borne. The LDP makes no provision to address this issue. It is acknowledged that addressing these issues is likely to need measures put in place in adjoining local authorities and that is not within the remit of the Deposit Plan to prescribe, but the LDP fails to address this issue. The level of development is, in part, justified by the requirement to maintain Cardiff as the economic driver for the City Region. As a result it is incumbent upon the plan to address the City Region impacts of its growth and address the mechanism by which the impacts can be addressed and mitigated. Significant concerns are raised over the lack of a regional consideration of the potential transport impacts of the Deposit LDP.
- 2.7 Policy ENV 7 relating to the protection of Priority Habitats and Species, references to the Local Biodiversity Action Plan in the Reasoned Justification. However, no reference is made to the list published by Welsh Government under Section 42 of the Natural Environment and Rural Communities Act 2006, which is the definitive list for priorities in Wales, and those habitats and species listed that occur in Cardiff should be protected by the policy.

### **3. LINKS TO STRATEGY**

- 3.1 Planning for the City Region requires collaboration between all of the local authorities in south-east Wales. As such it is important that the respective Local Development Plans for each authority are compatible and do not conflict or undermine each other. There is potential for the Deposit Cardiff LDP to have adverse impacts upon the implementation and delivery of the Caerphilly LDP, the council's principal landuse strategy document.

### **4. THE REPORT**

- 4.1 Cardiff City Council published the Deposit Version of their Local Development Plan (Deposit LDP) on Tuesday 15th October. The Deposit LDP is subject of a six-week consultation process concluding on Tuesday 26th November. During this period the plan is open for comment, and comments are to be sent in writing to the City Council to be received no later than 26th November 2013.
- 4.2 As a neighbouring local authority to Cardiff City, Caerphilly County Borough Council is a statutory consultee for the Deposit LDP. Consequently the council has been formally consulted as part of the Deposit plan process.

#### **Cardiff City LDP – Background**

- 4.3 The current Deposit LDP is the second version of the Deposit LDP that Cardiff City has published. The City Council previously published a Deposit Local Development Plan in April 2009, which was subject of a six-week consultation, during which time Caerphilly County Borough Council submitted comments. That plan was formally submitted for Examination. However, the plan was subsequently withdrawn following an explanatory meeting held by the Examination Inspector, prior to the commencement of the examination proper. The plan was withdrawn due to concerns over the soundness of the Strategy that set out a purely brownfield strategy for the plan period.

- 4.4 Cardiff City Council has undertaken further investigative work and the current Deposit LDP has been based upon the findings of this work. The overall strategy for the Deposit Plan has changed significantly from the first Deposit.
- 4.5 A revised Preferred Strategy document was published for comment on 2nd November 2012, for six weeks concluding on 14th December 2012. This document identified a requirement to allocate land to accommodate 45,400 new dwellings with 18,000 of these being allocated on greenfield sites north of the M4. The Council raised concerns in respect of the level of units being allocated on greenfield sites in close proximity to the County Borough, due to the potential adverse impact upon the development market in the south of the county borough, which could preclude the implementation of the Adopted Caerphilly LDP Strategy.
- 4.6 Further to this the Preferred Strategy identified the requirement to allocate land to provide for 40,000 new jobs. Of particular concern in this respect was the original Deposit Plan allocation of an International Business Park at land north of Junction 33, which raised an objection from the council due to the car borne dominance of the location. The Preferred Strategy did not allocate an International Business Park, although the allocation north of Junction 33 did retain a significant employment allocation. The council raised concerns in respect of this allocation in respect of sustainable transport.
- 4.7 The third main issue arising from the Preferred Strategy was the strategy aim of realising a 50:50 split between car borne and sustainable transport journeys, current figures suggest the ratio is 64:36. Whilst the council supported the principle of this target, it also raised concerns over whether it was achievable given the location of a number of the Strategic Sites in less than sustainable locations. Further concerns were raised on this issue relating to the reliance on the proposed improvements to the bus transport infrastructure when statistical evidence has shown bus patronage has been dropping over an extended period of time. Whilst the past two years have realised stable bus trip levels, the number of fare paying trips continues to decline, with concessionary fare trips rising to compensate. Support was raised for the stated intention of working with SEWTA and neighbouring authorities to secure rail-based improvements, particularly in respect of Park & Ride, throughout the City Region.

#### **Cardiff City LDP – Context**

- 4.8 People Places Futures: The Wales Spatial Plan (2008 update) provides a strategic framework to guide future development and policy interventions across Wales. The Spatial Plan places Cardiff at the centre of the South East - 'Capital Network' - area of Wales, seeking to realise "An innovative skilled area offering a high quality of life – international yet distinctively Welsh. It will compete internationally by increasing its global visibility through stronger links between the Valleys and the coast and with the UK and Europe, helping to spread prosperity within the area and benefiting other parts of Wales".
- 4.9 To further the vision set out in the Wales Spatial Plan, the concept of the Cardiff City Region has become established and has recently been gaining momentum. In essence the City Region concept considers the Cardiff and south-east Wales authorities as a cohesive area, with Cardiff as the central economic engine, and benefits being spread out across the valleys as a whole. The City Region has gained further impetus recently with Welsh Government Minister for Economy, Science and Transport, Edwina Hart, announcing arrangements to set up a board to oversee the implementation of the City Region.
- 4.10 The implementation of the City Region concept will have significant impacts and implications across the region, particularly in respect of transport and access. The South East Wales Transport Alliance (Sewta) has promoted the Metro concept of integrated transport to facilitate the regional transport aspirations and support economic prosperity.

#### **Cardiff LDP – The Policy Framework**

- 4.11 The Cardiff LDP has been set out in two distinct parts, namely the Strategy & Key Policies and the Detailed Policies. Each of these sections will be considered in turn.

### ***The Strategy & Key Policies***

- 4.12 This section sets out the strategy for the plan and includes 19 policies that provide the strategic framework for the detailed policies in the second part of the plan, The Key Policies address development requirements and targets necessary to deliver the overall strategy. The strategy for the plan seeks to build on the Spatial Plan and City Region vision for Cardiff as an economic engine and driver, by promoting significant levels of housing and employment provision. As a result *Policy KP1 – Level of Growth* sets out the requirements for the LDP to make provision of land for 41,100 new dwellings and 40,000 new jobs. It should be noted that the overall housing requirement has been reduced from 45,400 as set out in the Preferred Strategy consultation, to 41,100 in the Deposit Plan. Despite the reduction the overall requirement is still significant, however the evidence suggests that this level of growth is entirely appropriate for the City.
- 4.13 The principle mechanism for delivering this scale of development is via 8 Strategic Sites, namely:
1. Cardiff Central Enterprise Zone
  2. Former Gas Works, Ferry Road
  3. North West Cardiff
  4. North of Junction 33
  5. South of Creigiau
  6. North East Cardiff (West of Pontprennau)
  7. East of Pontprennau Link Road
  8. South of St Mellons Business Park
- 4.14 The council has previously raised concerns to Cardiff City Council's proposals to allocate large-scale housing and employment sites north of the M4, as these could adversely affect the development market in Caerphilly County Borough Council, particularly in the Caerphilly Basin, which has historically been the area with the highest development pressure and potential. Of the eight identified Strategic Sites, 4 are located north of the M4, namely numbers 4, 5, 6 and 7, with numbers 6 and 7 being in closest proximity to the county borough boundary.
- 4.15 It should be noted, however, that the numbers of units proposed on these sites, when considered against the Preferred Strategy, has been reduced from 18,000 to 8,450, with a potential additional 2,500 units being released at Sites 3 – North West Cardiff and 4 – North of Junction 33, if a flexibility buffer is required. The largest allocation of units is, however, on site 6 - North East Cardiff, which makes provision for 4,500 units and is in closest proximity to the county borough boundary.
- 4.16 The provision of such high numbers of residential dwellings in close proximity to the county borough will potentially have an impact upon the housing market in the Caerphilly Basin. However, this impact can be mitigated to a varying degree if the development of housing on these sites is phased to control the number of units that are released during any particular time period. Such phasing should be set out in the Masterplan for these Strategic Sites, which have yet to be prepared and published.
- 4.17 The Deposit LDP allocates land to provide 40,000 new jobs, with significant allocations being made on the Strategic Sites. It is pleasing to note that the Deposit Plan has maintained the position adopted in the Preferred Strategy of not allocating land North of Junction 33 as an International Business Park but, land is still allocated at this location for employment use. Transport proposals seek to improve the public transport links to this area and as such no concerns are raised in respect of this site, or any other of the employment allocations.
- 4.18 The designation of strategic development sites across Cardiff is likely to increase pressure upon Caerphilly Mountain and the recreational infrastructure located within Caerphilly CBC. As a result a key element of the Strategy is *Policy FP3 (A): Green Belt*, which formally allocates a Green Belt to the north of the city between the settlement boundary and the City Council boundaries with Caerphilly and Rhondda Cynon Taf County Borough Councils. The

Green Belt has been identified to maintain the green backdrop to the City provided by the Caerphilly and Garth Mountain areas.

- 4.19 The adjoining area within Caerphilly County Borough lies outside the settlement boundaries as set out in the Adopted Caerphilly LDP and, therefore, the land is classed as open countryside. Further protection is also provided through a combination of Special Landscape Area (SLAs) and Visually Important Local Landscape (VILLs) designations. These offer significant protection across the border from the majority of Cardiff's proposed Greenbelt area. There appears to be no deviation regarding the boundary between the two authorities and, as such, no concerns are raised in respect of the designation of the Green Belt.
- 4.20 Policy KP8: Sustainable Transport sets out the LDP policy strategy regarding transport issues. The key element of this policy is the identification of a modal split target of 50:50 between car borne journeys and sustainable transport journeys. Currently the modal split is 64:36 in favour of car borne trips for all journeys, whilst commuting travel, particularly in-commuting, realises 80% car borne journeys. Whilst the principle of achieving a 50:50 modal split in journey mode is supported there are very significant concerns over whether the split can be achieved and what implications there are if they are not. Traffic modelling has identified that the development allocated in the Deposit LDP will realise a 42% increase in traffic over existing levels, when rolled forward to the end of the plan period. However, the LDP accepts that the road infrastructure within the city is incapable of accommodating this level of growth, with the highway network only able to accommodate a 32% increase in traffic. This means that nearly a quarter of the predicted traffic growth associated the Deposit LDP allocations cannot be accommodated on the highway network, meaning a significant change in modal shift needs to occur for the LDP to be implemented fully.
- 4.21 As part of the transport strategy the Deposit LDP identifies significant public transport infrastructure improvement to "manage travel demand and encourage use of sustainable transport both within existing and new communities in Cardiff".
- 4.22 Whilst the transport strategy seems to address the transport implications of the Deposit LDP within the limits of the administrative area, the provision of 41,100 new dwellings and 40,000 new jobs will have significant impacts for the City Region outside the confines of the City of Cardiff administrative area. Cardiff already realises a significant level of commuting, with 77,900 in-commuting trips per day, with 80% (62,320) of the trips being car borne. The allocations in the Deposit Local Plan will significantly exacerbate this problem. It is concerning, however, that the Deposit Plan makes little, if any, reference to the potential impacts upon neighbouring authorities of the Deposit LDP allocations. It is accepted that the housing and employment allocations can be justified, in part, as seeking to maintain the role of Cardiff as the City Region's economic driver. However, by the same argument, it is incumbent on the LDP to consider the implications of these allocations at a more strategic level as well. It is accepted that the Cardiff LDP cannot make allocations for transport infrastructure in other authorities, but the plan should set out what the issues are and how they could be addressed on a City Region basis, rather than omit reference to them all together.
- 4.23 From a Caerphilly perspective the 4 allocations north of the M4, namely 4 - North of Junction 33, 5 – South of Creigiau, 6 - North East Cardiff (West of Pontprennau) and 7 - East of Pontprennau Link Road will undoubtedly increase commuting traffic over Caerphilly Mountain and on the A470. This is likely to have significant impacts upon the highway network in and around the Caerphilly Basin, and upon the designated Caerphilly Air Quality Management Area in particular. It is obvious that cross boundary solutions are required to address these issues, but, as previously stated no mention of these are made in the Deposit plan. As a result significant concerns are raised over the lack of a regional consideration of the potential transport impacts of the Deposit LDP.

- 4.24 The Strategy sets out a total of 19 Key Policies that sets the overarching Strategy for the LDP. The comments raised above relate to four of these policies, namely *KP1: The Level of Growth*, *KP2: Strategic Sites*, *KP3 (A): Green Belt* and *KP8: Sustainable Transport*. No other comments are raised in respect of the Strategy and Key Policies.

### ***The Detailed Policies***

- 4.25 This section of the Deposit LDP sets out the land allocations, which are required to meet the targets set out in the Key Policies, and sets out a policy framework for the management of development generally. The section includes 66 policies set out in the following 8 sections:
- Housing
  - Economy
  - Environment
  - Transport
  - Retail
  - Community
  - Minerals
  - Waste
- 4.26 The policies in this section are more detailed and specific and, as a result, the policies are much less likely to have strategic impacts and effects that may affect neighbouring authorities. Two comments are raised in respect of the Environment Policies. Firstly Environment Policy EN5 sets out policy requirements for Local Nature Reserves (LNRs) and Non-Statutory Sites Of Nature Conservation And Geological Importance. Cardiff has 177 SINC – Sites of Importance for Nature Conservation, which are locally designated, non-statutory sites with biodiversity value. Cardiff has an existing Biodiversity SPG that contains all the relevant information on these sites, however, the SINC should be shown on either the Constraints or Proposals Map. Other local planning authorities have done this and it seems to be best practice. Developers or prospective developers will be able to use the maps as a “one stop shop” for information relating to all allocated sites in Cardiff, including SINC.
- 4.27 Secondly a comment is raised in respect of Environment Policy EN7: Priority Habitats and Species. The Reasoned Justification to the Policy mentions that priority habitats and species are in the Local Biodiversity Action Plan. However, it does not mention the list published by Welsh Government under Section 42 of the Natural Environment and Rural Communities Act 2006. This list should also be referred to, as this is the definitive list for priorities in Wales, and those habitats and species listed that occur in Cardiff should be protected by the policy.

### **In Conclusion**

- 4.28 The review of the Cardiff Deposit LDP has raised the following comments:
1. No objections are raised in respect of the housing and employment requirements set out in Key Policy KP1
  2. Concerns are raised in respect of the potential adverse impacts to the Caerphilly Basin development market from the allocation of 4,500 new dwellings at North East Cardiff (West of Pontprennau). It is suggested that a phasing policy be included in the masterplan for the site to address this issue.
  3. No objections are raised in respect of the designation of a Green Belt under Key Policy KP3 (A)
  4. Significant concerns are raised in respect of the lack of reference to the potential cross-boundary and City-Region wide impacts from transport related issues associated with the provision of 41,100 new dwellings and 40,000 new jobs.

5. Significant concerns are raised in respect of the commuting related impacts from the housing and, in particular, employment allocations and the potential effects that the traffic generation will have on the Caerphilly Air Quality Management Area.
6. The Cardiff City SINC's should be shown either on the Constraints or Proposals Map to ensure that developers have access to all of the relevant information from one source.
7. The Reasoned Justification to Policy EN7 should include reference to the list published by the Welsh Government under the Natural Environment and Rural Communities Act 2006. This list should also be referred to, as this is the definitive list for priorities in Wales, and those habitats and species listed that occur in Cardiff should be protected by the policy.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 An Eqla is not needed because the issues covered in the report do not address changes to council service provision or its policies and strategies.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications from this report.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no direct personnel implications from this report.

## **8. CONSULTATIONS**

- 8.1 All comments have been incorporated into the report. There are no outstanding issues.

## **9. RECOMMENDATIONS**

- 9.1 That the following comments in respect on the Cardiff Deposit LDP be agreed:
  1. No objections are raised in respect of the housing and employment requirements set out in Key Policy KP1.
  2. Concerns are raised in respect of the potential adverse impacts to the Caerphilly Basin development market from the allocation of 4,500 new dwellings at North East Cardiff (West of Pontprennau). It is suggested that a phasing policy be included in the masterplan for the site to address this issue.
  3. No objections are raised in respect of the designation of a Green Belt under Key Policy KP3 (A).
  4. Significant concerns are raised in respect of the lack of reference to the potential cross-boundary and City-Region wide impacts from transport related issues associated with the provision of 41,100 new dwellings and 40,000 new jobs.
  5. Significant concerns are raised in respect of the commuting related impacts from the housing and, in particular, employment allocations and the potential effects that the traffic generation will have on the Caerphilly Air Quality Management Area.

6. The Cardiff City SINC's should be shown either on the Constraints or Proposals Map to ensure that developers have access to all of the relevant information from one source.
7. The Reasoned Justification to Policy EN7 should include reference to list published by the Welsh Government under the Natural Environment and Rural Communities Act 2006. This list should also be referred to, as this is the definitive list for priorities in Wales, and those habitats and species listed that occur in Cardiff should be protected by the policy.

9.2 That the comments be forwarded to Cardiff City Council as the formal comments of Caerphilly County Borough Council.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To comply with the Local Development Plan Regulations in respect of Duly made representations.

## **11. STATUTORY POWER**

11.1 The provisions of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

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Background Papers: None