Matters Arising Changes Representation Form

As part of the Examination into the Cardiff Local Development Plan (LDP) a number of Matters Arising Changes have been proposed to the LDP. These changes are set out in the Matters Arising Changes Schedule. This is your opportunity to comment on the Matters Arising Changes. All comments previously made at Deposit stage have already been considered by the Inspectors and so this form should only be used to comment on the Matters Arising Changes.

All completed forms should be returned by midnight on 23rd July 2015 to: LDP Team, Room 131, City Hall, Cardiff, CF10 3ND or email LDP@Cardiff.gov.uk

Also available for comment are the Sustainability Appraisal and Habitats Regulations Assessment of the Matters Arising Changes at www.cardiff.gov.uk.

PART 1: Contact details

<table>
<thead>
<tr>
<th>Your/ your Client's details</th>
<th>Agent's details (if relevant)</th>
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<tbody>
<tr>
<td>Title: Mr.</td>
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<tr>
<td>Name: John Jones</td>
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<td>Job title: (where relevant)</td>
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<td>Organisation: (where relevant)</td>
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Please note that all representations will be made available for public inspection and cannot be treated as confidential. However to ensure data protection we will remove personal details from publically accessible documents.

Signed: [Redacted]  Date: 16/7/2015
PART 2: Commenting on Matters Arising Changes

Which Matters Arising Changes do you wish to comment on (Please refer to the Matters Arising Changes Schedule)

Matters Arising Changes reference (e.g. MAC 1)

- MAC: Revised Final Sustainability Appraisal (incorporating Strategic Environmental Assessment).
- Support/Object (Delete as appropriate)
- Support/Object (Delete as appropriate)
- Support/Object (Delete as appropriate)
- Support/Object (Delete as appropriate)

If you are objecting to a change it would be helpful if you could indicate which Test of Soundness you consider it to fails (Please refer to guidance note).

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<tr>
<th>Test Type</th>
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<tr>
<td>Procedural Test</td>
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<td>Consistency Test</td>
<td>C1, C2, C3</td>
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<td>Coherence and Effectiveness Test</td>
<td>C1, C2, C3, C4</td>
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Please note if you do not identify a test it will not mean your comments will not be considered.

PART 3: Your Response

Your comments should be set out in full and relate to the Matters Arising Changes only.

Please use the space provided to set out your representation. Please be explicit as to which 'matters arising change' your comments relate to.

(Continue on a separate sheet/expand box if necessary)

I have set out my challenges to the LDP in the annexed response in which I have made clear my criticisms of the appraisal process which undermines the Sustainability Assessment and Strategic Environmental Assessment (both of which have a significant bearing on the soundness of the Local Development Plan.)
Dear Helen,

I am grateful for your assistance in trying to help me navigate the progress of this process which appears to have begun in 2009, suffered the withdrawal of the LDP in 2010 and started again with a scoping report in 2010.

An earlier Sustainability Assessment and Strategic Environmental Assessment has now been superseded by the June 2015 Report.

The case law has repeatedly confirmed that Reports such as these should be user friendly to the audience they seek to address for consultation and comment and should not pose a consultee with a ‘paper chase’ to discover its content and impact. I have found the documentation does present this sort of challenge and this conclusion is endorsed by the comments of the Consultants who prepared the 2015 Report. Because of the many revisions and policies based on ones in the 2009 version together with the back and forth nature of the appraisal they note at Paragraph 1.7 on page 4;

These two factors together mean that the process of LDP policies, and appraisal of them, has often been complex and convoluted. As the process has gone on increasing care has been needed to show the ‘audit trail’ leading to the current position without confusing or cluttering the assessment. Current documentation gives the clearest possible assessment of the LDP as it now stands near the end of the process. Detailed accounts of earlier rounds of comments suggestions and changes which are now superseded have been minimised in the main report. Such documentation is still available in the public domain.

The purposes of consultation are well established in law those being;

(i) that it should lead to better decisions by giving the decision maker all relevant information and that the plan is properly tested.

(ii) that it should avoid a sense of injustice that a person affected would otherwise feel

(iii) that it reflects an underlying purpose of sustaining democratic principles at the heart of our society and that the product of the consultation must be conscientiously taken into account before finalising the plan in question.

The Supreme Court in the case of Moseley v London Borough of Haringey (2014) made it clear that Consultation Documentation should be clear and understandable and should not be unduly complex or lengthy. Enough must be said about realistic alternatives and the reasons for the preferred choice to enable consultees to make an intelligent response to the scheme on which their views are sought. The Sustainability Assessment and Strategic Environmental Report with 9 Appendices runs to nearly 400 pages and is complex and convoluted. It is also vague as regards sustainable transportation to strategic sites far from the centre of Cardiff. It fails to deal with realistic alternatives as regards rail/bus routes and park and
ride sites which could better align with housing and retail locations in adjacent authorities eg locations near J34 on the M4 and Talbot Green in RCT.

The failure to provide a consultation report which satisfies requirements of clarity coherence accessibility and realistic alternatives is unacceptable and may potentially be challenged by way of judicial review as likewise may be a process which does respect the consultation principles set out under (i) -(iii) above.

Accordingly, it is the June 2015 Report which is put forward by way of compliance with Sustainability Assessment (SA) and Strategic Environmental Assessment (SEA)

The following representations are relied on as showing that SA and SEA are non compliant and that the LDP is thereby rendered unsound.

1. The SEA Directive Article 5(1) provides for the information to be included in the Environmental Report.

(a ) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes.

(f ) the likely significant effects on the environment including such issues as biodiversity population human health fauna flora soil water air climatic factors material assets cultural heritage including architectural and archaeological, landscape and the interrelationship between the above factors.

(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.

(h) an outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken including any difficulties ( such as technical difficulties or lack of know - how ) encountered in compiling the required information.

These effects should include secondary, cumulative synergistic, short, medium and long - term permanent and temporary, positive and negative effects.

2. Article 8 requires that the environmental report prepared pursuant to Article 5 and any representations made pursuant to the consultation exercise conducted pursuant to Article 6 must be taken into account before the plan or programme is adopted.

3. ' Other relevant plans '

This must include the LDPs or emerging LDPs of neighbouring authorities and to be realistic should take into account the changes to local authority areas recommended by the Welsh Government which anticipate a combination of Cardiff and the Vale of Glamorgan and Bridgend Rhondda Cynon Taf and Merthyr. It is highly likely that these changes will occur within the next 12 months and would completely change the capacities for housing provision and for the development of the the Metro integrated transport network in South East Wales ( the Metro ). The Wales Transport Strategy (2008) and The National Transport Plan 2010 must be relevant plans. The current draft National Transport Plan published in 2014 brings matters up to date by referring to the Metro and its significance to the development of Strategic Sites C, D and E.

The Metro is defined in particularly vague terms and this vagueness has been perpetuated in the draft LDP and subsequent updates provided by the Welsh Government.
'a multiplicity of transport modes including improved rail and bus services potentially supplemented by new modes (eg light rail/trams) and priority measures (eg bus rapid transit corridors) which collectively offer an attractive region-wide alternative to the car'. The timeframe is defined as medium to long term.'

The Metro remains a concept and a long term aspiration but the loss of the greenfield sites for the vast amount of housing it is intended to serve, is a reality. The loss of greenfield sites is clearly acknowledged as having a highly negative environmental impact on landscape of all the greenfield sites in the SA and SEA (Table 8.1a page 62) but no assessment is made of the infrastructure proposed by the Metro. The Metro casts a long shadow over the development of Strategic Sites in NW Cardiff and its construction, if it is sanctioned, will likely occur beyond the end of the LDP period. It is put forward as providing sustainable transport for housing sites (particularly those at D and E) but in the scheme as disclosed in initial proposals would also travel through the village of Creigiau with a stop proposed in the heart of the village travelling thereafter into RCT. Its route abuts the area of proposed Green Belt. This infrastructure relating to the Metro needs to be clearly specified and its environmental impact assessed for the purposes of both the SA and SEA. As it has not been subject to this process it renders the SA and SEA inadequate and the LDP unsound.

4. 'Significant effects on the landscape'

It is telling that as originally proposed the planning assessment disclosed no significant negative impact on Greenfield Sites

Paragraph 7.7 (Page 54).

After the planning team filled in the pro formas, the SA team checked the pro formas for consistency and logic, and discussed any concerns with the planning team. The main problem identified was that the planners assumptions about potential mitigation measures meant that almost none of the candidate sites were found to have biodiversity or landscape impacts, even when they were on Greenfield land or designated nature conservation sites. This led to planners revisising many of the pro formas in response to the SA including:

'changing many of the planners neutral impacts on bio diversity or landscape to negative impacts'

This volte face is now evident in a 'very negative impact' being now shown for land North of Junction 33/South of Creigiau and likewise North West of Cardiff (Strategic Sites C, D and E).

The effect is summarised at Para 8.3. (page 62)

The main negative effects would be caused by policies that promote housing and economic growth and specific development locations, notably policies KP1 and KP2. Ygether these would have significant impacts on air quality, biodiversity, the historic and cultural heritage, the landscape and waste production.

Also acknowledged at Para 8.6 (page 63) is the designation of Green Belt a policy which improves the LDP's performance against environmental objectives with very small social and economic penalty from restricting development.

It is, however, surprising that the initial conclusion as to environmental impact on greenfield sites was reached by the planners. A sensitive and careful assessment should have clearly concluded that the total loss of greenfield sites to building development entails an irrevocable and irreplaceable loss of the environment. In terms, it is beyond any mitigation or offsetting measure because the environment is permanently destroyed.
A useful planning analysis was undertaken recently of an analogous situation at Binfield in Berkshire, a village close to Reading and Bracknell and subject to significant pressure for housing as it lies in the heart of London’s commuter belt. A greenfield site with a proposal for some 70 homes was subject to an Appeal. The Inspector Lloyd Rogers in Appeal Decision APP/RO 335/A/14/2219888 (February 2015) in a careful and sensitive assessment of the Appeal found that suburban spread should be resisted despite a very significant housing shortfall. The landscape was considered to be pastoral and the trees and bushes around the site all of which are set in a rolling landform made the site subjectively attractive. The replacement of the existing pastoral landscape by the construction of an estate of dwellings should be regarded as a significant change. Despite the screening effect of the trees the changes are likely to have an appreciable effect on the sensitive receptors living in the lane opposite the site.

The Inspector concluded;

"I accept that the site is particularly well screened and it has already been assessed as having a moderate capacity for development. Nevertheless in assessing the proposal before me I consider that despite the site’s screening the proposed development would appear as an incongruous suburban enclaves in its rural setting. In my view that would cause very considerable harm to the character and appearance of the area. In his judgment that harm would outweigh the benefits of the development and in consequence he did not consider the development as sustainable."

Such arguments may be applicable generally to the greenfield sites proposed in the LDP but are particularly apposite in relation to Sites D and E in the vicinity of Creigiau.

The following aspects of the SA and SEA demonstrate the significant environmental harm which development of Greenfield Sites will cause.

Page 5: the sheer volume of the development which the LDP will provide will inevitably result in increased air pollution, greenhouse gas emissions use of natural resources and waste because of increased traffic, houses and employment. The LDP provides for the development of several major Greenfield sites amounting to 902 hectares. The largest are located far from Cardiff city centre, so will increase transport impacts unless sustainable transport provision is made before occupants move in; and several would affect areas which are designated for their landscape or biodiversity importance. Even with mitigation measures contained in the policies biodiversity and landscape quality are likely to decrease significantly.

Page 30: identifies sustainability issues affecting Cardiff in Table 4.2 and under 8 refers to the landscape with the reference at bullet point 4 to;

Cardiff’s landscape qualities are vulnerable to insensitive new development and land management practices.

Page 47: Various options for growth (high, medium or low) are appraised and if Cardiff is subject to high or medium growth the impact will be;

Development on large Greenfield Sites, which currently provide important carbon sinks for the City. Their loss would exacerbate the carbon emissions arising from growth. Additionally green spaces help to reduce the impacts of climate change by providing land drainage and reducing the urban heat island effect. All of the options have the potential to impact negatively on cultural assets and local character.

Greenfield sites are easy to develop and as has been noted by other objectors the Council appears to be working very closely with the Developers. Observations of this nature have been raised by persons with specific skill and professional experience in dealing with planning matters of this kind. Master plans have
been produced in consultation with developers before matters of principle have been considered. Initial appraisal by planners was that no environmental damage would be caused by the development of greenfield sites. Despite a very vehement and sustained outcry by Cardiff residents against these developments the Council has remained entrenched and inflexible. No concessions or changes have been accepted which gives objectors a sense of injustice that democratic principles are not being respected.

5. 'an outline of the reasons for selecting the alternatives'

Paragraph (h) of the Directive requires the environmental report to include an outline of why the reasonable alternatives for the purposes of Article 5 (1) were chosen. What is required is that reasonable alternatives with their likely significant impact on the environment are identified, described and evaluated in the environmental report.

A SEA and consequently a SA will not suffice if it is restricted solely to the 'Preferred Strategy'. It must outline and appraise the alternatives in terms of their environmental impact so that the most appropriate infrastructure is chosen having regard to potential environmental harm caused. Having regard to the importance of infrastructure particularly in relation to Sites C, D and E I have not identified any clear description of the Metro project or any environmental assessment of the alternative sustainable transport options within that proposal.

6. Summary

The selection of greenfield sites for such a vast scale of development is misconceived. This is particularly acute where the greenfield sites are adjacent to proposed Green Belt as are those in Strategic Sites D and E in the vicinity of Creigiau. Here a development of some 2,650 homes in an area of exceptionally attractive rural landscape is environmentally unsustainable. In planning terms it creates an incongruous suburban enclave in a pastoral rural setting with very considerable harm to the character and appearance of the area. This is an area which is most vulnerable to insensitive new development and land management practices. This development does nothing to protect or enhance the environment but will permanently detract from the quintessential value of the surrounding Garth landscape. In terms of promoting sustainability the developments proposed for Creigiau are a travesty and a blatant failure to foster the principles of sustainability which both the Welsh Government and the Cardiff City Council are under a statutory duty to uphold. The SA has highlighted this deficit and shown that the LDP is unsound.

Neither the Welsh Government nor any company created by it to carry out its transport functions presently has any legislative competence to provide and regulate railways. The Welsh Government has limited powers to provide bus services. Clear issues as to the impact of a bus service at regular intervals on traffic congestion in Llandaff and thereafter inner Cardiff have been raised and remain unresolved. The SA and SEA are heavily caveatted in relation to the sustainability of the projected housing developments. The LDP team rejected the change suggested by the SA team to include that 'a segregated bus route or tram/railway line to the city centre via NW Cardiff is expected to be in place before the first house on any part of the site is moved into'. (pages 65, 66 and 67).

Absent a clear legal mechanism for delivery of a light rail metro system and a defined route and time for delivery the provision of this infrastructure remains an aspiration with an indeterminate time line for realisation. If routed through Creigiau as has already been foreshadowed in safeguarding the disused railway line which presumably includes both the lines which were removed in the 1960s it will cause significant long term disruption to the village and a permanent environmental impact not least of which would be a deterioration in traffic safety within a village already subject to significant negative traffic issues. It seems no coincidence that it is proposed to reopen the Creigiau quarry doubtless prompted by the scale of building work anticipated by the LDP. There seems to be little respite from the blight which has been suffered in this village as a direct result of this LDP.
These are my submissions which I shall incorporate into my formal MAC response.

Regards,

John Jones.

From: Williams, Helen E (Planning)
Sent: Wednesday, June 10, 2015 5:35 PM
To: Local Development Plan
Subject: FW: Cardiff Local Development Plan 2006 - 2026: Consultation on Matters Arising Changes / Cynllun Datblygu Lleol Caerdydd 2006 – 2026: Ymgyngorryd ar y Newidiadau i'r Materion sy'n Codl

Dear Sir / Madam

**Cardiff Local Development Plan 2006 - 2026: Consultation on Matters Arising Changes**

The County Council of the City and County of Cardiff under the provisions of the Planning and Compulsory Purchase Act 2004 is required to produce a Local Development Plan (LDP). The LDP will, upon adoption, replace the current development plan and form the basis for decisions on land use planning for Cardiff.

The Cardiff LDP is currently undergoing Examination and the Council is now consulting on a number of proposed changes that have emerged as a result of **Matters Arising** during Hearing Sessions 1-19 of the Examination. These proposed Matters Arising Changes (MACs) are now the subject of public consultation. The formal consultation period is from 11th June 2015 to 23rd July 2015.

The proposed changes relate to elements of the LDP written statement and the proposals map and are set out in the Matters Arising Changes Schedule. Copies of the Schedule, together with related updates of the Sustainability Appraisal (incorporating the Strategic Environmental Assessment) and Habitats Regulation Assessment documents are available for public inspection at the Council's Strategic Planning Offices, County Hall, Atlantic Wharf, Cardiff, and at City Hall, Cathays Park, Cardiff; Monday to Friday between 9.00am and 4.00pm.

 Copies of the above documents (along with a representation form) are available to view and download from the Council’s website at [http://www.cardiff.gov.uk/](http://www.cardiff.gov.uk/). Copies are also available for public inspection, at all public libraries in the city during their normal opening hours.

Representations (including support and objections) should be sent to LDP@Cardiff.gov.uk or LDP Team, Room 131, City Hall, Cardiff CF10 3ND by no later than midnight on 23rd July 2015.

**Representations (including support and objections) must relate only to Matters Arising Changes.** They should not propose further changes to the original Deposit LDP or new sites. Any such representations will be disregarded as they should have been made during earlier stages of plan preparation. Representations will then be forwarded for consideration by the Inspectors appointed to examine the soundness of the plan. Please note that all responses will be available for public inspection and cannot be treated as confidential.

For queries relating to the Examination please contact the Programme Officer Tracey Smith on 029 20 871360 or email TrSmith@cardiff.gov.uk
Cynllun Datblygu Lleol Caerdydd 2006 – 2026: Ymgyngorhiod ar y Newidiadau i’r Materion sy’n Codi

Dan ddarpariaethau Deddf Cynllunio a Phrynu Gorffodol 2004, mae’n ofynnol i Gyngor Sir Dinas a Sir Caerdydd Llunio Cynllun Datblygu Lleol (CDLI). Pan fydd y CDLI yn cael ei fabwysiadu bydd yn disodli’r cynllun datblygu presennol a bydd yn sail i’r penderfyniadau ar gynllunio’r defnydd o dir yng Nghaerdydd.

Mae Cynllun Datblygu Lleol Caerdydd wrthi’n cael ei archwilio ac maer Cyngor nawr yn ymgyngorhio ar nifer o newidiadau arfaetheg sydd wedi codi o ganlyniad i Faterion sy’n Codi yn ystod Sesiynau Grwaddawad 1-19 yr Archwiliaid. Mae’r Newidiadau i’r Materion sy’n Codi (MACs) nawr yn destun ymgyngorhiod ychydigus. Cynheirir yr ymgyngorhiod ffurfio rhwng 11 Mehefin 2015 a 23 Gorffennaf 2015.

Mae’r newidiadau a gynigir yn ymwneud ag elfennau datganiad ysgrifenedig y CDLI a map y cynigion ac wedi’u nodi yn Amserlen y Newidiadau i’r Materion sy’n Codi. Mae copiau o’r Amserlen, ynghyd â newyddion perthnasol am y dogfennau Arfarniad Cynaliadwyedd (gan gynnwys yr Asesiad Amgylcheddol Strategol) ac Asesiad Rheoliadau Cynefinedd ar gael i’r cyhoedd eu harolgygu yn Swyddfeydd Cynllunio Strategol y Cyngor, Neuadd y Sir, Glanfa’r Iwerydd, Caerdydd ac yn Neuadd y Ddisnas, Parc Cathays, Caerdydd; o ddydd Llun i ddydd Gwener rhwng 9.00am a 4.00pm.

Mae copiau o’r dogfennau uchod (gyda’r ffurfion sylwadau) ar gael i’w gweld a’u lawrlwytho oddi ar wefan y Cyngor yn http://www.caerdydd.gov.uk/. Mae copiau hefyd ar gael i’r cyhoedd eu harolgygu mewn llyfrgelloedd ychydigus yn y ddinasyn ystod oriau a arferol.

Dyliodd anfon sylwadau (o blaid ac yn erbyn) i CDLI@caerdydd.gov.uk neu’r Tim CDLI, Ystafell 131, Neuadd y Ddisnas, Caerdydd CF10 3ND erbyn hanner nos 23 Gorffennaf 2015 fan bellaf.

Rhaid i sylwadau (o blaid ac yn erbyn) ymwneud â’r Newidiadau i’r Materion sy’n Codi. Ni ddylent gynnig rhagor o newidiadau i’r CDLI ar adnau gwreiddiol neu safleoedd newydd. Dyystir unrhyw sylwadau felly, gan y dylid bod wedi’u cyfwyno yn ystod camau cynharach y broses o barato’r cynllun. Yna caiff sylwadau eu hanfon ymlaen i’r Arolwgwr a benodwyd i archwilio cadernid y cynllun iddynt eu hystyried. Bydd ymatebion ar gael i’r cyhoedd eu gweld ac ni ellir eu trin yn gyfrinachol.

Os oes gennych ymholiadau mewn perthynas â’r Archwiliad gyseglytwch â’r Swyddog y Rhaglen, Tracey Smith ar 029 20 871360 neu e-bostiwch TrSmith@caerdydd.gov.uk

Yn gywir
James Clemence
Pennaeth Cynllunio
official business of the Council of the City and County of Cardiff shall be understood as neither given nor endorsed by it. All e-mail sent to or from this address will be processed by Cardiff County Councils Corporate E-mail system and may be subject to scrutiny by someone other than the addressee.

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Mae'n bosibl bod gwybodaeth gyfrinachol yn y neges hon. Os na chyfeirir y neges atoch chi'n benodol (neu os nad ydych chi'n gyfrifol am drosglwyddo'r neges i'r person a enwir), yna ni chewch gopi o na throsglwyddo'r neges. Mewn achos o'r fath, dylech ddinistro'r neges a hysbysu'r anfonwr drwy e-bost ar unwaith. Rhowch wybod i'r anfonydd ar unwaith os nad ydych chi neu eich cyflogyd yn caniatau e-bost y Rhyngwyr am negeseuon fel hon. Rhaid deall nad yw'r safbwyntiau, y casgliadau a'r wybodaeth arall yn y neges hon nad ydynt yn cyfeirio at fusnes swyddogol Cyngor Dinas a Sir Caerdydd yn cynrychioli barn y Cyngor Sir nad yn cael fel ei fendith. Caiff unrhyw negeseuon a anfonir at, neu o'r cyfeiriad e-bost hwn eu prosesu gan system E-bost Gorfforaethol Cyngor Sir Caerdydd a gallant gael eu harchwilio gan rywun heblaw'r person a enwir.

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No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4800 / Virus Database: 4311/9984 - Release Date: 06/09/15
PART 4: What Happens Next?

All comments received by the closing date will be forwarded directly to the Inspectors for consideration; noting that they will not receive a response from the Council. Should the Inspectors decide that further hearing sessions are necessary please indicate whether you would want to speak at a session. It is important to note that written comments will be given the same weight by the Inspectors as those made verbally at a hearing session.

4a) Do you want your comments to be considered by ‘written representations’ or do you want to speak at a hearing session?

(Please tick ✓ one of the following)

I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.

I do want to speak at a hearing session.

4b) If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing

I have clearly set out my specific objections to all relevant aspects of this proposal. I consider that the LDP will do immense harm to the village of Cregyian and its environs. I consider that the scale of the development and nature of the development is unsustainable and benefit of the infrastructure which is considered essential for its viability. These are all matters affecting its character to I consider it appropriate to have any further opportunity to advocate these concerns.

The Matters Arising Changes Schedule is available on the Council website at: www.cardiff.gov.uk. Hard copies are also available for public inspection during the consultation period at: City Hall, Cathays Park and County Hall, Atlantic Wharf, Monday to Friday between 9.00am and 4.00pm. They will also be made available at all local libraries.
Additional Assistance

If you require assistance to complete the form or have any questions relating to your representation please contact:

LDP Team,
Strategic Planning – Policy
Cardiff Council
Room 131
City Hall
Cathays Park
Cardiff
CF10 3ND

Telephone: 029 2087 1297
E-mail: LDP@cardiff.gov.uk

Tests of Soundness

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Procedural Tests

P1 It has been prepared in accordance with the Delivery Agreement including the Community Involvement Scheme.

P2 The plan and its policies have been subjected to Sustainability Appraisal including Strategic Environmental Assessment.

Consistency Tests

C1 It is a land use plan which has regard to other relevant plans, policies, and strategies relating to the area or to adjoining areas.

C2 It has regard to national strategy.

C3 It has regard to the Wales Spatial Plan.

C4 It has regard to the relevant community strategy/ies (and National Park Management Plan).

Coherence and Effectiveness Tests

CE1 The plan sets out a coherent strategy from which its policies and allocations logically flow and/or, where cross boundary issues are relevant, it is compatible with the development plans prepared by neighbouring authorities.

CE2 The strategy, policies, and allocations are realistic and appropriate having considered the relevant alternatives and/or are founded on a robust and credible evidence base.

CE3 There are clear mechanisms for implementation and monitoring.

CE4 It is reasonably flexible to enable it to deal with changing circumstances.
Hi Helen

Please see email below from Mr Jones (Rep ID 2305) which should be treated as his formal representation on the MAC schedule. Please can you acknowledge receipt, thanks.

Kind regards,

Tracey Smith
LDP Programme Officer
Cardiff Council
Room 134
City Hall
Cardiff
CF10 3ND

Tel: 029 2087 1360
Email: trsmith@cardiff.gov.uk
www.cardiff.gov.uk/ldpexamination

From: [Redacted]
Sent: 15 June 2015 08:22
To: Smith, Tracey
Subject: Re: Cardiff LDP Examination - Matters Arising Changes (MAC) Consultation: 11 June to 23 July Representor 2305

Dear Tracy,

I am grateful for the advice received and the material provided under 'Matters Arising Changes'.

It is particularly unsatisfactory to be provided with a document of considerable length and importance, namely the Revised Final Sustainability Appraisal, which has been disclosed several months after the end of the Inquiry.

I do consider that the failure to prepare a Sustainability Appraisal in accordance with the Directive 2001/42/EC on the Assessment of the effects of certain plans and programmes on the environment (the Directive) and the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 in the course of preparing the LDP and without which a 2 month Inquiry was conducted as a serious procedural flaw which presently renders the LDP unsound and any decision thereafter made vulnerable to legal challenge.

It is particularly regrettable that the Planning Officer for the Council assured the Inspectors at the outset of the Inquiry that the preparation of the LDP was entirely legally compliant. The revised Report shows very significant changes as to the negative impacts of the Plan on the Strategic Sites which if revealed at
the proper time would have allowed objectors to question the soundness of the Plan in respect of the Sites most relevant to their concerns. This deficiency potentially renders the procedural conduct of the Inquiry, in my respectful submission, unsound and equally renders any conclusions reached on the merits of the evidence and representations made as to unsoundness on any particular topic area, premature and open to legal review.

The procedural requirements of the Directive are quite clear and their significance to any decision ultimately made by the Welsh Government whether or not to adopt the LDP is dependent on proper compliance.

The objective of the Directive is set out in Art 1

The objective of this Directive is to provide for a high level of protection to the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

The LDP is subject to this Directive and the environmental assessment must be carried out during the preparation of the LDP and before its adoption or submission to a legislative procedure.

An 'environmental assessment' is defined by Art 2 b

'the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in the decision making and the provision of information on the decision in accordance with Articles 4 to 9.'

Art 5 of the Directive makes provision for an 'environmental report'

(1) Where an environmental assessment is required under Article 3(1) an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified described and evaluated. The information to be given for this purpose is detailed in Annex 1

Annex 1 requires detailed information amongst which are;

'the likely significant effects on the environment including on issues such as biodiversity, population, human health, fauna, water, air, climatic factors, material assets, cultural heritage architectural and archaeological heritage and the interrelationship between the above factors'

The significant effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.

A Report that purports to be compliant with the Directive and the Regulations has now been provided at this very late stage and we are asked to treat it as forming part of the LDP. A period of consultation is now in place and when further representations have been made and considered having regard to its content it seems to me, respectfully, that it will be inevitable in the interests of fairness and transparent justice that a further hearing will be required.

I should be grateful if you would kindly bring these representations to the attention of the LDP Inspector.
From: Smith, Tracey  
Sent: Wednesday, June 10, 2015 8:29 PM  
To: Local Development Plan Programme Officer  
Subject: Cardiff LDP Examination - Matters Arising Changes (MAC) Consultation: 11 June to 23 July

Dear Participant,

The Schedule of Matters Arising Changes (MACs) comprising the additional information and proposed changes to the Plan as a result of matters arising during Hearing Sessions 1 to 19, is now subject to public consultation for a period of 6 weeks (11 June to 23 July 2015) giving representatives the opportunity to comment.

Please do not send your comments to the Programme Officer, but visit the Council’s LDP – Matters Arising Changes Consultation webpage for further information on how to make formal representations.

Once the consultation has closed and the Inspectors have considered the representations, they will consider whether a further hearing session or sessions are required.

Relevant information regarding the procedure for the rest of the Examination will be published on this website and circulated to participants in due course.

Kind regards,

Tracey Smith  
LDP Programme Officer  
Cardiff Council  
Room 134  
City Hall  
Cardiff  
CF10 3ND  
Tel: 029 2087 1360  
Email: trsmith@cardiff.gov.uk  
www.cardiff.gov.uk/ldpexamination

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Mae'n bosibl bod gwybodaeth gyfrinachol yn y neges hon. Os na chyfeirir y neges atoch chi'n benodol (neu os nad ydych chi'n gyfrifol am drosglwyddo'r neges i'r person a enwir), yna ni chewch gopio na throsglwyddo'r neges. Mewn achos o'r fath, dylech ddinistrio'r neges a hysbysu'r anfonwr drwy e-bost ar unwaith. Rhochi wybod i'r anfonyydd ar unwaith os nad ydych chi neu eich cyflogyd yn caniatau e-bost y Rhyngrwyd am neges euon fel hon. Rhaid deall nad yw'r safbwyntiau, y casgliadau a'r wybodaeth arall yn y neges hon nad ydynt yn cyfeirio at fusnes swyddogol Cyngor Dinas a Sir Caerdydd yn cynrychioli barn y Cyngor Sir nad yn cael sel ei fendith. Caiff unrhyw neges euon a anfonir at, neu o'r cyfeiriad e-bost hwn eu prosesu gan system E-bost Gorfforaethol Cyngor Sir Caerdydd a gallant gael eu harchwilio gan rywun heblaw'r person a enwir.

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