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>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Mr</td>
</tr>
<tr>
<td>Name:</td>
<td>Gareth Williams</td>
</tr>
<tr>
<td>Job title: (where relevant)</td>
<td>Senior Director, Head of Cardiff Office</td>
</tr>
<tr>
<td>Organisation: (where relevant)</td>
<td>St Fagans Nos. 1 &amp; 2 Trust</td>
</tr>
<tr>
<td></td>
<td>Nathaniel Lichfield &amp; Partners</td>
</tr>
</tbody>
</table>
| Address:                   | Helmont House  
                                 Churchill Way  
                                 Cardiff  
                                 CF10 2HE                                      |
| Telephone no:              | 02920 435 880                  |
| Email:                     | gwilliams@nlplanning.com       |

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: 23/7/15
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)

MAC4 Support/Object (Delete as appropriate)
MAC75 Support/Object (Delete as appropriate)
Sustainability Appraisal (Para 6.12 - 6.14) Support/Object (Delete as appropriate)
MACPM2 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).

CE3 - Clear mechanism for implementation and monitoring.

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)

Please see attached letter.
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

The issue raised in this representation, particularly with regards to the monitoring targets are complex and of a technical nature which will require thorough examination by way of hearing sessions.

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

<table>
<thead>
<tr>
<th>Procedural Tests</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>P1</td>
<td>It has been prepared in accordance with the Delivery Agreement including the Community Involvement Scheme.</td>
</tr>
<tr>
<td>P2</td>
<td>The plan and its policies have been subjected to Sustainability Appraisal including Strategic Environmental Assessment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consistency Tests</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>It is a land use plan which has regard to other relevant plans, policies, and strategies relating to the area or to adjoining areas.</td>
</tr>
<tr>
<td>C2</td>
<td>It has regard to national strategy.</td>
</tr>
<tr>
<td>C3</td>
<td>It has regard to the Wales Spatial Plan.</td>
</tr>
<tr>
<td>C4</td>
<td>It has regard to the relevant community strategy/ies (and National Park Management Plan).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coherence and Effectiveness Tests</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CE1</td>
<td>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</td>
</tr>
<tr>
<td>CE2</td>
<td>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.</td>
</tr>
<tr>
<td>CE3</td>
<td>There are clear mechanisms for implementation and monitoring.</td>
</tr>
<tr>
<td>CE4</td>
<td>It is reasonably flexible to enable it to deal with changing circumstances.</td>
</tr>
</tbody>
</table>
LDP Team 
Room 131 
City Hall 
Cardiff 
CF10 3ND

Date 15 July 2015 
Our ref 31287/GW/9286751v6 
Your ref

Dear Sirs

Matters Arising Changes Consultation: Response re Land North of North West Cardiff

On behalf of St Fagans Nos. 1 & 2 Trust, we set out below our response to the above consultation document. This representation refers solely to the 57 ha of Land North of the North West Cardiff Strategic Site which is identified under draft Policy KP1 of the Deposit Plan to provide 1,250 dwellings as a flexibility allowance.

NLP supports the identification of land north of Llantrisant Road as a flexibility housing allocation. The site is capable of coming forward for development independently or as a logical extension to North West Cardiff Strategic Site C. It sits within an area of land which is bound by long term defensible boundaries comprising the M4 to the north, residential development of Rhydlafar to the west, residential development of Radyr and Radyr Golf Club to the east and Llantrisant Road to the south.

There are no environmental constraints that would significantly hinder the deliverability of the site. There are no statutorily protected habitats within the boundaries of the site and the site is wholly located within Flood Zone A\(^1\) (Considered to be at little or no risk of fluvial or coastal/tidal flooding). However, as would be expected by a site of this scale, there are a number of environmental, landscape and heritage considerations which will be addressed as part of the masterplanning process for the site in collaboration with the Council. These considerations include the existence of woodlands, ponds and public rights of way, all of which are capable of being positively incorporated into a well-considered development layout.

NLP’s Deposit stage comments regarding the site’s suitability for development should be read in conjunction with this letter.

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\(^1\) [http://data.wales.gov.uk/apps/floodmapping/](http://data.wales.gov.uk/apps/floodmapping/)
Matters Arising Changes (MAC)

The LDP Inspector sets out an action point for the Council with regard to the flexibility allowance following the close of the hearing sessions.

Action point 4 of Hearing Session 7 states:

"Further to the previously agreed Action Point, the Council should consider the appropriateness of the flexibility provision currently identified via an arrow on the Proposals Map (pointing west of Site D). More certainty is required in respect of the flexibility allowance both in terms of the quantum of housing that would be provided and its spatial distribution."

The arrow on the Proposals Map for Land North of Llantrissant Road has now been replaced by a site boundary which is identified as Search Area A on the Proposals Map.

NLP supports MAC PM2 which provides greater clarity by geographically defining the flexibility allocations. The formalisation of the 10% flexibility allowance with specific locations ensures sufficient flexibility for the Plan to respond to changes in circumstances.

Identifying the land that is to be allocated (as a flexibility site) provides certainty to both local residents and also to the landowner.

Clarifying the extent of the flexibility allocation allows the landowner to plan ahead for future development should its release be required. This includes planning strategically for the infrastructure required in order to serve the 1,250 new dwellings either independently or alternatively for its integration with Strategic Site C North West Cardiff and also the adjoining built form at Rhyldafar and Radyr.

All this will ensure that the site is capable of coming forward quickly to meet demand, if and when the monitoring threshold is met.

Monitoring Trigger

A new monitoring objective has been inserted with regards to the flexibility allocations. This is set out below for reference:

<table>
<thead>
<tr>
<th>Monitoring Reference</th>
<th>Relevant LDP Policies</th>
<th>Core &amp; Local Indicators</th>
<th>Target</th>
<th>Trigger</th>
<th>Plan Revision Required?</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>OB2 SO26</td>
<td>KP1</td>
<td>Local</td>
<td>To ensure sufficient land is brought forward for development in accordance with the Plan strategy and to maintain a minimum 5 year supply of land as set out in the JHLAS.</td>
<td>Build rates exceed overall anticipant completion rates at 1st and 2nd LDP Review stages. Exceeding the rate will trigger allocation of additional land which can be secured through Plan revision.</td>
<td>When a trigger point is activated an assessment will be undertaken to identify the underlying causes and consider necessary corrective actions as appropriate including plan review, changes to supporting guidance or whether the underlying reasons do not require changes to the Plan.</td>
<td>Council Housing Monitoring Survey</td>
</tr>
</tbody>
</table>
NLP supports the proposed amendment to paragraph 4.41 which indicates that the potential release of the identified flexibility sites would be triggered by way of monitoring targets. NLP supports the use of appropriate monitoring targets within the plan period to trigger the release of the defined flexibility sites in order for the emerging Plan to effectively respond and deal with changing circumstances over the Plan period.

The flexibility sites’ release has a specific monitoring criterion (OB2 SO26). OB2 SO26 explains that the trigger for the flexibility sites coming forward comprises build rates exceeding overall anticipated completions rates at 1st and 2nd LDP review stages. It is unclear whether this means that the flexibility site would only be released if build rates are running ahead of the anticipated completion trajectory after four and eight years (assuming four year LDP reviews). An eight year (minimum) monitoring target is not responsive enough as a trigger should there be a need for additional land releases either as a result of under or over delivery.

NLP also object to this approach on the basis that an LDP review should be an outcome of monitoring rather than the main mechanism for monitoring itself.

Under the column ‘Plan Revision Required?’ the following text is set out:

“When a trigger point is activated an assessment will be undertaken to identify the underlying causes and consider necessary corrective actions as appropriate, including plan review, changes to supporting guidance or whether the underlying reasons do not require changes to the Plan.”

NLP consider the above approach is imprecise and contends that as currently drafted the monitoring mechanism for the flexibility sites is contrary to the Test of Soundness CE3 as there is not a clear mechanism for implementation or monitoring.

NLP consider that monitoring references OB2-SO1 to OB2-SO4 are more relevant and provide a more precise set of triggers against which the release of flexibility sites should be judged. NLP suggests that in the event that any of the triggers in respect of OB2-SO1 to OB2-SO4 are breached, then the flexibility sites should be automatically released. This would assist the Council in directly addressing a 5 year land supply shortage, assist in enhancing completions for both market and affordable housing.

It is also unclear from the monitoring trigger which flexibility allocation will be allowed to come forward first if the trigger point is activated. Additional clarity is therefore required to understand the relationship between the build rates and the delivery of the flexibility allocations. NLP considers that a practical approach would be to allocate all three of the flexibility allocations for development when a trigger point is exceeded. This will provide clarity to landowners as to when their respective flexibility site will be allowed to come forward.

OB2 SO26 as currently drafted implies that the flexibility site can only come forward if build rates exceed overall anticipated completion rates. However, NLP consider that Land North of Llantrisant Road should also come forward for development if build rates on strategic sites are lower than anticipated such that there is a shortfall in the 5 year supply of housing land. The site is ideally placed to come forward independently of the North West Cardiff strategic site if required. This is because the development framework for the NWC strategic site should not constrain land North of Llantrisant Road. If for any reason, development of the wider NWC strategic site does not deliver in line with expectations then Land North of Llantrisant Road will be able to come forward and provide a timely boost to build rates and also the housing land supply. In addition, the site is wholly owned by St Fagans No 1 and 2 Trust. This means that the site can come forward quickly without
any site assembly issues. The trigger for this process should be the 5 year land supply position that is set out annually in the Joint Housing Land Availability Study. If the land supply position falls below 5 years on two consecutive years then this site would assist the Council in demonstrating a 5 year housing land supply.

NLP considers that OB2 SO2 should be amended as follows:

<table>
<thead>
<tr>
<th>Monitoring Ref</th>
<th>Relevant LDP Policy</th>
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</thead>
<tbody>
<tr>
<td>OB2 SO26</td>
<td>KP1</td>
<td>Local</td>
<td>To ensure sufficient land is brought forward for development in accordance with the Plan strategy and to maintain a minimum 5 year supply of land as set out in the JHLAs.</td>
<td>Build rates exceed overall anticipated completion rates for two consecutive monitoring years or if the LPA cannot demonstrate a 5 year land supply for two consecutive years. Exceeding the trigger point on two consecutive years will automatically release all three flexibility allocations to meet the increased demand.</td>
<td>No Plan Revision Required.</td>
<td>Council Housing Monitoring Survey</td>
</tr>
</tbody>
</table>

OB2 SO26 will therefore allow the flexibility sites to come forward if overall completion rates for two consecutive years are exceeding the target whilst OB2 SO1 to OB2 SO4 will allow the flexibility sites to come forward if delivery rates are less than anticipated.

The fact that the NWC Strategic Site and Land North of Llantrisant Road have the same landowners is also advantageous because it allows the sites to work together to deliver the housing that Cardiff requires. Land North of Llantrisant Road can assist the LDP in meeting its targets by delivering houses if completions are higher than the monitoring threshold and also if build out rates are lower than expected.

**Sustainability Appraisal**

It is important to take into account that Land North of Llantrisant Road as well as the other flexibility allocations that make up the additional 4,000 dwellings flexibility allowance have been taken into account as part of the Final Sustainability Appraisal Report (reflecting May 2015 Draft Matters Arising Changes Schedule). Paragraph 6.12 to 6.14 of the SA Report states:

"Option B formed the basis of the October 2012 Preferred Strategy. However Policy KP1 of the Deposit LDP reduces the dwellings figure to 41,100, roughly midway between Options B and C. (The jobs figure remains 40,000 as in Option B). The reasons for this are explained in detail in paras 4.12 to 4.26 of the LDP. The decisive point is that more recent modelling of the kind that informed the earlier choice of Option B, using more up to date information, indicates that both migration and household formation rates now appear likely to be lower than previously projected.

However, given the uncertainties, KP1 also includes provision to deliver an additional 4,000 homes [the flexibility allowance] (i.e. back to almost Option B) later in the plan period if monitoring indicates this is necessary."
This new option has not been formally appraised. Given that it lies between two options, B and C, which were appraised, that their scores were similar, and that the revised population modelling means that the new option should perform as well as B did previously on the two criteria (1 equality and 10 population) where it might have been expected to do worse, this is not a problem.”

Para 6.16 states:

“Following the EIP, the housing provision was reviewed. Several different adjustments and updates together resulted in a small increase in the total, to 41,415. It was also made more explicit how the additional 4000 dwellings could potentially be accommodated by faster building out of one strategic site and extensions to two others which have been appraised. These changes do not warrant any change in the overall appraisal.”

We are concerned that the text set out in the SA and also set out above stating that the new option has not been formally appraised could be misinterpreted as it is clear that the additional growth has been adequately appraised. NLP propose that the text should be amended as follows:

“This new option has not been formally appraised. Given that it lies between the two options, B and C, which were appraised, that their scores were similar, and that the revised population modelling means that the new option performs as well as B did previously on the two criteria (1 equality and 10 population) the flexibility appraisal has therefore been adequately appraised.”

As the flexibility allocations have been included and tested in the sustainability appraisal process it is accepted that the flexibility allocations, taken as part of the wider LDP will achieve the environmental, social and economic objectives by which sustainable development can be defined.

Summary

NLP supports MAC PM2 because it formalises the 10% flexibility allowance by geographically locating the allocations. This ensures sufficient flexibility for the Plan to respond to changes in circumstances. MAC PM2 also provides more clarity for the landowner in terms of site deliverability and improved clarity for local residents as to where future development is to take place.

NLP considers that specific monitoring criterion OB2 SO26 is amended so that the flexibility sites are released if build rates exceed overall anticipated completion rates for two consecutive monitoring years or if the LPA cannot demonstrate a 5 year land supply for two consecutive years. In addition, the release of the flexibility sites should also be a formal response if monitoring targets OB2-SO1 to OB2-SO4 are triggered. If any of these targets are breached then all the flexibility sites should be released.

If you have any queries regarding this letter please do not hesitate to contact either me or in the first instance Cem Kosaner.

Yours faithfully

Gareth Williams
Senior Director, Head of Cardiff Office

Copy Mike Lawley – Cooke & Arkwright
Williams, Helen E (Planning)

From: Arwel Evans <aevans@nlplanning.com>
Sent: 23 July 2015 16:26
To: Local Development Plan
Cc: gwilliams@nlplanning.com; Cem Kosaner; michael.lawley@coark.com; robert.evans@coark.com; jane.carpenter@redrow.co.uk
Subject: Representations to the MAC Consultation [NLP-DMS.FID306274]
Attachments: 31213 St Fagans No 1, 2 & 3 Trust and Redrow Homes Representations to the MAC Consultation 23-7-201.PDF
Importance: High

Dear Sirs,

On behalf of our clients St Fagans No 1, 2 & 3 Trust and Redrow Homes (South Wales) please find attached representations to the Cardiff LDP MAC consultation.

If you have any question please do not hesitate to contact me.

Please confirm safe receipt.

Best regards,

Arwel

Arwel Evans
Planner
Nathaniel Lichfield & Partners, Helmont House, Churchill Way, Cardiff CF10 2HE
T 029 2043 5880 / E aevans@nlplanning.com

nlplanning.com  

Supporting Growth in the South West
Click here for details of our new Bristol Office

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