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](http://www.cardiff.gov.uk).

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**PART 1: Contact details**

<table>
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<tr>
<th>Your/your Client's details</th>
<th>Agent's details (if relevant)</th>
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<tbody>
<tr>
<td><strong>Title:</strong> Mr</td>
<td>Mr</td>
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<tr>
<td><strong>Name:</strong> Geoff Walsh</td>
<td>Keith Warren</td>
</tr>
<tr>
<td><strong>Job title: (where relevant)</strong></td>
<td>Assistant Director of Planning, Capital, Estates and Operational Services</td>
</tr>
<tr>
<td><strong>Organisation:</strong> (where relevant)</td>
<td>Capital Planning &amp; Estate Management, Cardiff &amp; Vale University Health Board</td>
</tr>
<tr>
<td><strong>Address:</strong> University Hospital of Wales, Cardiff, CF14 4XW</td>
<td>Unit 9 Oak Tree Court Mulberry Drive, Cardiff Gate Business Park, Cardiff CF23 8RS</td>
</tr>
<tr>
<td><strong>Telephone no:</strong> 02920 744335</td>
<td>02920 732652</td>
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<tr>
<td><strong>Email:</strong> <a href="mailto:geoff.walsh@wales.nhs.uk">geoff.walsh@wales.nhs.uk</a></td>
<td><a href="mailto:Keith@asbriplanning.co.uk">Keith@asbriplanning.co.uk</a></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.
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)

MAC58 Support/Object  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).

P1, C1, CE1, CE2

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)

We refer to the full comments on the separate sheets accompanying this submission which set out the full reasons for the objections in the context of the prescribed Tests of Soundness.

These representations relate to the proposed deletion of Policy C10 Health Employment Non-Strategic Allocation (MAC 58). Specifically, they address the points raised by Action Point 11, Hearing Session 16, in particular, the evidenced need for the allocation.
The concerns expressed are summarised as follows:

Land at Agnes Road represents a once-in-a-lifetime opportunity to deliver a biomedical and life-sciences campus which will put Cardiff at the leading edge of medical research globally whilst delivering a hugely beneficial impact on the medical treatment, health and education of its resident population. In addition, the proposals would enable Cardiff & Vale University Health Board to expand relieving some of the space constraints it currently experiences at the University Hospital of Wales. As such, the significance of Policy CP10 for the future of Cardiff and the sustainability of the aspirations set out in the Plan should not be underestimated.

In light of the evidence for the proposed health related uses now being available, the reasons given by the Council for MAC58 have now fallen away. Accordingly, to proceed with the proposed change would make the Plan unsound.
PART 4: What Happens Next? All comments received by the closing date 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.

We request that an additional hearing session be convened to enable a full discussion on the need for Policy C10 to be retained in the LDP.

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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On behalf of Cardiff & Vale University Health Board
Representations to Matters Arising Changes to the Cardiff Local Development Plan – Objection to MAC58

On behalf of Cardiff & Vale University Health Board, please find set out below full representations to the Matters Arising Changes (MAC’s) to the Cardiff Local Development Plan. Cardiff & Vale University Health Board object to MAC58.

These representations relate to the proposed deletion of Policy C10 Health Employment Non-Strategic Allocation (MAC 58). Specifically, they address the points raised by Action Point 11, Hearing Session 16, in particular, the evidenced need for the allocation.

Introduction

Cardiff and Vale University Health Board (UHB) is one of the largest NHS organisations in the UK, providing healthcare services for 472,400 people living in Cardiff and the Vale of Glamorgan. Working with many professional groups, we promote health and wellbeing whilst planning and providing healthcare in people’s homes, community facilities and hospitals. In addition to considering the needs of the local population, the UHB also provides specialist care to the people of South Wales, Wales and for some services, the wider UK.

At 1,000 beds, University Hospital of Wales is the largest hospital in Wales. Located in Heath, the hospital opened in 1971 and was Europe’s first fully integrated hospital and medical school. The hospital is now the third largest teaching hospital in the UK. As such, the hospital should be viewed as an essential element in the future of Cardiff and one which will ensure that the wider aspirations of the LDP can be met.

The Shaping our Future Wellbeing programme aims to build a strategy by which Cardiff and Vale University Health Board can deliver high quality, sustainable, person-centred health care over the next 10 years. A key element to this is the care delivered at the University Hospital of Wales set against a growing and ageing population in Cardiff. As such, the UHB has been working with Cardiff University to examine the existing estate at University Hospital of Wales and consider how this can be improved. Part of this has included dialogue regarding the University’s aspirations to develop a world class health related academic and research centre directly adjacent to the hospital. We fully support this aspiration. It will have a direct positive impact on patient experience and the quality of care with access to world leading clinicians and analytic clinical facilities as well as early access to advanced therapies. Crucially, the new dedicated space created for the University will also enable the UHB to occupy space within the current hospital estate which is currently occupied by the University. This will enable the hospital to expand departments increasing the level of care that can be provided.
In light of the above, Policy C10 of the LDP is seen as essential not only to the University’s aspirations, but also to the future of University Hospital of Wales. As such, MAC58 would remove any reference to the needs of University Hospital of Wales, which given the key objectives set in the LDP, including accommodating an additional 41,415 dwellings between 2006 and 2026, undermines a number of key themes of the Plan. The Plan seeks to ensure that “People in Cardiff are healthy” through “encouraging the full range of accessible social, health and educational facilities”, which it states is in line with Cardiff’s status as a World Health Organisation, ‘Healthy City’. It is clear that whilst reference is made throughout the LDP to promoting healthier lifestyles and access to localised healthcare on new Strategic Sites, deleting Policy C10 would leave the Plan with no reference whatsoever to the health needs of the population of Cardiff beyond those that can be provided at a local level.

In light of the above, we set out below our justification for seeking the restoration of Policy C10 based on the tests of soundness which MAC58 fails:

**Test of Soundness**

We contend that MAC 58 fails a number of the tests of soundness:

**Soundness Test P1** – Cardiff & the Vale University Health Board are amongst the list of Specific Consultation Bodies referred to in the Community Involvement Scheme (CIS). As such, it is not clear how the Council has sought ‘consensus’ on this stage of amendments to the LDP. Whereas this approach would be understandable for minor amendments to wording of policies, it is not intended for the deletion of allocations where there are potentially huge implications for the public as well as stakeholders.

It is clear that ‘changes of the nature proposed by the deletion of Policy C10 prevent considered debate and prejudice the provisions of documents, including ‘What Matters 2010:2020 – 10 Year Strategy for Cardiff (2011) which represents Cardiff’s contribution to ‘Our Healthy Future’ – Wales’ Strategic Framework for Public Health. The document is one of the Council’s Core Documents which was submitted to the LDP Examination. One of the provisions states that ‘Key Organisations must work together across organisational boundaries to share resources and deliver what matters most to people in the City.’

**Soundness Test C1** – MAC58 does not take account of the needs of Wales’ largest hospital. We understand that the Council has previously been made aware of the University’s aspirations in relation to the Agnes Road site and the benefits that this would deliver to the hospital, but this has not been referred to by the Council in responding to Action Point 11 of Session 16.

Guidance indicates that representations from bodies that consider the LDP either does or does not have sufficient regard to other relevant strategies for which they are responsible will be significant. In this context the reference to the documents above is relevant.

**Soundness Test CE1** – MAC58 will remove the only allocation or reference to the need for the Plan to take account of health related needs beyond the local health infrastructure needs of Strategic Sites. As such, the deletion of Policy C10 will lead to an obvious gap in the Plan.
This view is supported by the Council’s response to the Inspector’s question in advance of Hearing Session 16: Miscellaneous Matters, “How Does the Plan Make Provision for Health Related Uses?” In its response, the Council states:

“Policy C10 (Health Employment Non-Strategic Allocation), allocates 4.07 ha of land for health related uses at Government Offices, St Agnes Road, Heath. The site provides a good opportunity to allow for the future expansion of health related uses associated with University Hospital Wales”.

The Council’s other responses to this matter relate to the provision of health uses as part of the development of Strategic Sites and the integration of such uses through the application of the Council’s “Masterplanning Framework – General Principle, Strategic Framework & Site Specific Framework for Larger Sites (LDP.045)”. It is clear that this reference relates to health provision to address the localised needs of new resident’s i.e through new GP surgeries.

As such, the Council’s only response to how the Plan makes provision for health use at a more strategic level is through Policy C10. Deletion of Policy C10, therefore, undermines the Council’s response to the Inspector on how the Plan makes provision for health related uses.

Finally, MAC58 needs to be viewed in the context of the Action Point which lead to it. Following Hearing Session 11, The Action Point relating to Policy C10 was:

“Action Point 6, Hearing Session 11: LPA to consider the necessity for Policy C10 in terms of evidenced need for an allocation for health related uses. If necessary, LPA to include a reference to the types of acceptable uses (including reference to the Use Class Order). Also, in advance of Hearing Session 18, Council to consider the issue of deliverability in light of the current land-owner intentions/ representations.”

The Council’s response to this Action Point is:

“the Council has held dialogue with the Agents of the site. The aim has been to discuss issues raised relating to the potential future use of the site and address matters of deliverability before the site is discussed as part of Hearing Session 18 on Alternative Sites.”

The Council’s response does not include any reference to a consideration “of evidenced need for an allocation for health related uses” as required by the Action Point. Rather, the Council’s response suggests that they have only had regard to the landowner’s statement about their willingness to sell the site. As such, we contend that the Council has failed to adequately address the Action Point, which in turn leads to a failure to address Soundness Test CE1 in terms of Coherence and Effectiveness.

**Soundness Test CE2** – We contend that MAC58 is not supported by evidence about how the balance of the competing alternatives for the site have been assessed. It appears that the MAC58 is based solely on a discussion between the Council and the landowner. Moreover, as set out above, MAC58 does not fully address the Action Point from which it arose as there has been no attempt to assess the need for Policy C10. Finally, we contend that deletion of Policy C10 undermines the entire Plan as there is no provision made for how the medical treatment needs of the additional 41,415 dwellings over the Plan Period will be met beyond locally
provided GP surgeries at strategic sites. As such, a fundamental need appears to be overlooked by the Plan, which in turn raise serious questions about the sustainability of such growth.

There is a need to provide for certainty by the specific allocation of sites. The identification of the site as unallocated land within the settlement boundary prejudices the potential for the key health proposals in an area where there are limited suitable alternative sites which meet the locational and site specific requirements for the development.

**What We Ask**

Examining Local Development Plans Procedure Guidance (July 2014) makes clear that where the Inspector identifies the need for changes these will, where possible, be fully discussed at the hearings. However, it goes on to highlight there may be occasions where an Inspector only concludes that a change is necessary having considered all the evidence submitted to a hearing.

The Guidance makes clear that if the Inspector considers that the LDP should and can be changed after submission to make it sound, he/she must be satisfied that requirements for public consultation and sustainability appraisal have been met with regard to the changes.

At this MAC stage, the proposed deletion of Policy C10 represents a significant change to the Plan, which has not been subject to discussion at a hearing session. The Guidance is explicit that changes to the Plan at this stage should be limited to minor amendments. It is clear from the outline of the proposals for the site at Agnes Road and the implications of MAC58, that the deletion of Policy C10 cannot be considered ‘minor’.

The Guidance is clear that the Inspector may seek additional written clarification of any matters and issues raised during the hearings part of the examination. In addition, she may hold further sessions during the reporting period.

We contend that not only does MAC58 make the Plan unsound, it would deny Cardiff a once-in- a-lifetime opportunity of developing a world-leading biomedical life-science research facility with the associated medical treatment, health, education and economic benefits. MAC58 has not been subject to public or stakeholder discussion and the deletion of Policy C10 is based solely on the perceived lack of evidence that the scheme could be delivered. These representations outline the need for the allocation, which the Council suggest was absent when suggesting the deletion of the allocation.

As such, we request that given the lack of public consultation on this significant change and the concerns raised about the soundness of the Plan with MAC58 in place, that a further hearing session is convened in order that the proposed change can be fully discussed by all parties.

**Welsh Government Intervention**

Finally, whilst the Inspector will consider these representations to the MAC’s and will decide an appropriate course of action, we have also had regard to PPW which states that:
"As a final resort, the Welsh Government will consider intervening in the plan process by means of its powers to direct modifications to the plan or to call in all, or part, of a plan for its own determination. Such intervention will generally only be considered where an LDP:

- raises issues of national importance, or
- has implications beyond the area of the plan-making authority (except to the area of joint plans where a joint LDP is being prepared by two or more local planning authorities).

Given the significance of Policy C10 for the future of University Hospital of Wales, Wales’ largest hospital, and for the ground breaking aspirations of Cardiff University, it is clear that the proposed deletion is of national importance. In addition, the significance of what Policy C10 would enable also means that the deletion of the allocation has implications beyond the plan-making area. As such, should MAC58 be taken forward, Cardiff & Vale Health Board will seek intervention by the Welsh Government to ensure that Policy C10 is retained.

The Timing of the These Representations

It is acknowledged that no representations were made by Cardiff & Vale University Health Board in support of Policy C10. However, this should not be interpreted as a lack of support for the allocation or the evidence in support of it. Rather, the ability of the hospital to provide support has been dependent on the University developing is plans for the St Agnes Road site, which has only been possible very late in the plan making process.

Whilst we acknowledge that earlier engagement in the LDP process would have been preferable, this should not detract from the need for Policy C10 to be retained. It should also not divert attention from the fact that the proposed deletion of Policy C10 following the public examination into the Deposit LDP, has seemingly come about only through discussions between the Council and the landowner.

Summary and Conclusions

Land at Agnes Road represents a once-in-a-lifetime opportunity to deliver a biomedical and life-sciences campus which will put Cardiff at the leading edge of medical research globally whilst delivering a hugely beneficial impact on the medical treatment, health and education of its resident population. In addition, the proposals would enable Cardiff & Vale University Health Board to expand relieving some of the space constraints it currently experiences at the University Hospital of Wales. As such, the significance of Policy CP10 for the future of Cardiff and the sustainability of the aspirations set out in the Plan should not be underestimated.

In light of the evidence for the proposed health related uses now being available, the reasons given by the Council for MAC58 have now fallen away. Accordingly, to proceed with the proposed change would make the Plan unsound. We therefore request that an additional hearing session be convened to enable a full discussion on the need for Policy C10 to be retained in the LDP.

Enc. Matters Arising Changes Representation Form
Williams, Helen E (Planning)

From: Keith Warren <Keith@asbriplanning.co.uk>
Sent: 22 July 2015 16:34
To: Local Development Plan
Cc: Clive Ball (NWSSP - SES - Property Management); Robin Williams
Subject: Matters Arising Representation Re MAC58
Attachments: MAC Comment Form 22.07.15.docx; UHW Objection to LDP Matters Arising Changes - Continuation Sheet.pdf

Please find attached representations made on behalf of Cardiff & Vale University Health Board regarding the proposed deletion of Policy C10.- Health Employment Non Strategic Allocation at Government Offices, St Agnes Road, Heath (MAC58).

Kind Regards

Keith

Keith Warren – Associate Director
Asbri Planning Ltd | T: 02920 732 652 | M: 07825 597783 | W: www.asbriplanning.co.uk
Bristol | Cardiff | Swansea

PLEASE NOTE OUR NEW CARDIFF ADDRESS WITH EFFECT FROM 6 JUNE 2014:
Unit 9, Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park, Cardiff, CF23 8RS
Telephone number remains unchanged

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