Additional Matters Arising Changes October 2015
Representation Form

As part of the Examination into the Cardiff Local Development Plan (LDP) additional Matters Arising Changes have been proposed to the LDP. These changes are set out in the Matters Arising Changes Schedule (October 2015). This is your opportunity to comment on these proposed Matters Arising Changes (MACs). All previously submitted comments have already been considered by the Inspectors and so this form should only be used to comment on the October 2015 Matters Arising Changes.

All completed forms should be returned by **midnight on 26th November 2015** to: LDP Team, Room 422, County Hall, Cardiff, CF10 4UW 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>
<thead>
<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></td>
<td>Mr</td>
</tr>
<tr>
<td><strong>Name:</strong></td>
<td>Gareth Williams</td>
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<tr>
<td><strong>Job title: (where relevant)</strong></td>
<td>Senior Director, Head of Cardiff Office</td>
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<tr>
<td><strong>Organisation: (where relevant)</strong></td>
<td>Redrow Homes (South Wales) St Fagans No. 1 &amp; 2 Trust and St Fagans No. 3 Trust</td>
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<td><strong>Organisation: (where relevant)</strong></td>
<td>Nathaniel Lichfield &amp; Partners</td>
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<tr>
<td><strong>Telephone no:</strong></td>
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<td><a href="mailto:ckosaner@nlplanning.com">ckosaner@nlplanning.com</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.

<table>
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<th>Signed:</th>
<th>Date:</th>
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<td>[Redacted]</td>
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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 8  Support/Object (Delete as appropriate)
MAC 10 Support/Object (Delete as appropriate)
MAC 34 Support/Object (Delete as appropriate)
MAC 40 Support/Object (Delete as appropriate)
MAC 75 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).

CE2 and CE4

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.

MAC 8 (New Infrastructure)

Draft Policy KP6 (New Infrastructure) is proposed to be amended to respond to the points raised during the Hearing Sessions and written submissions. Draft Policy KP6 now splits infrastructure into 2 categories (Essential/Enabling and Necessary) with the categories now explained in further detail.

- Category 1: Essential / Enabling Infrastructure (to facilitate development) - Those items which will need to be delivered prior to, or from the commencement of the relevant phases of development (e.g. transportation / highways infrastructure, utility services and flood mitigation / defences).
- Category 2: Necessary Infrastructure (to make development acceptable) - Items which need to be phased and implemented alongside new development, to ensure that areas are served with appropriate facilities over time (e.g. schools and recreational open space).
Whilst the above additional clarification on the relevant trigger for contributions/obligations is helpful, it does not fully address our concerns in respect of the prioritisation of potential contributions/obligations. We therefore consider that it is contrary to the Test of Soundness CE2 and CE4. We consider that minor changes to the proposed wording of draft Policy KP6 is capable of ensuring that the draft Policy is ‘sound’ and importantly not overly onerous, whereby essential, enabling and necessary contributions/obligations are considered in a balanced manner. We therefore propose that the wording of draft Policy KP6 is amended to read:

"New development will make appropriate provision for, or contribute towards the—all appropriate essential, enabling and necessary infrastructure required as a consequence of the proposed development in accordance with Planning Policy Guidance...”

**MAC 10 (Sustainable Transport)**

Additional supporting text to Policy KP8 is proposed which seeks to clarify that the 50:50 modal split is a county-wide target. It states:

"Policies KP2(A) to KP2(H) list the ‘Essential’ and ‘Enabling Infrastructure’ required to support the development of each strategic sites contribution to and the delivery of the county-wide 50:50 modal split target.”

NLP supports the proposed additional text as it provides clarity on how Policy KP8 should be interpreted and applied for development management purposes.

**MAC 34 (Renewable Energy and Low Carbon Technologies)**

As a consequence of MAC 34 a new sentence is proposed to be added to Policy EN12 (Renewable Energy and Low Carbon Technologies) which reads:

"Further guidance in relation to energy assessments will be issued in the form of SPG. This will specify what is expected of developers to meet the requirement of Policy EN12."

NLP objects to the proposed additional text as it fails to address our submission to the Examination.

NLP raised significant concerns in respect of the drafting of Policy EN12 which seeks to "...maximise the potential for renewable energy". NLP believes that a fundamental issue that could affect development viability should not be left to be addressed through an SPG which will not be independently scrutinised. The correct forum for discussing the opportunities to generate on site renewable energy and the prioritisation of such initiatives over and above necessary and enabling infrastructure requirements as per draft Policy KP6 should be the LDP preparation stage which entails thorough scrutiny. The policy requirement to ‘maximise the potential for renewable energy’ implies that renewable energy is a priority ahead of other infrastructure requirements.

NLP considers that as it stands draft Policy EN12 is contrary to the Test of Soundness CE4 as it is not reasonably flexible to enable it to deal with changing circumstances. In order to be considered ‘sound’, NLP considers that reference to ‘maximising the potential for renewable energy’ needs to be omitted and replaced with ‘consider the potential for renewable energy’.
MAC 40 (Retail Hierarchy)

The proposed amendment to emerging draft Policy R1 states:

"....Retail proposals outside centres identified on the Proposals Map will be assessed against Policy R6: Retail Development (Out of Centre) or Policy R7: Retail Provision within Strategic Sites where they form part of an allocated housing led strategic site."

"District and Local Centres within allocated housing led strategic sites that develop over the plan period in accordance with Policy R7: Retail Provision within Strategic Sites will become designated centres within the retail hierarchy and defined on the Proposals Map as part of the LDP review."

We welcome the above proposed amendment which effectively responds to NLP’s representations. We consider that it is appropriate for the commercial offer forming part of the proposed strategic allocations to be afforded policy recognition. This provides certainty and confidence for the commercial elements of the planned strategic sites to come forward for development.

MAC 75 (Monitoring Network)

We previously submitted representations with regard to monitoring reference OB2 SO26.

NLP supports in principle the proposed amendment as it sets out a precise trigger. However, we maintain our objection in respect of the proposed response in the event that the trigger is activated. The text, as currently drafted states:

"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."

The outcome of the trigger being activated needs to be specifically identified in monitoring criterion OB2 SO26. Currently, as drafted, OB2 SO26 makes it clear that when a trigger point is activated, the Council will carry out an assessment before deciding whether corrective action is required. NLP considers that policy OB2 SO26 should be explicit in stating that the flexibility sites are to be allocated in the event that the trigger is activated. This would mean that there is a commitment to release required land to meet evidenced need in a timely manner. As it stands, Monitoring Reference OB2 SO26 is contrary to the Test of Soundness CE4 as it is not reasonably flexible to enable it to deal with changing circumstances. A clear and concise action to ‘allocate flexibility sites’ would negate the need for a lengthy assessment which could cause delays in addressing a housing supply shortfall.

In the event that the flexibility sites are allocated as a result of a plan review, there would be a lead in time for the delivery of completions from these sites owing to the need to obtain planning permission and the carrying out of initial infrastructure works. It is therefore vitally important that certainty on the planning status of the flexibility sites is set out through monitoring reference OB2 SO26 so that in the event that the trigger is activated supply is not unduly constrained.

NLP considers that in order to be considered sound, text in the 'Plan Revision Required'
column should be amended to read:

"When the trigger point is exceeded, all three flexibility sites will be allocated for development at the next plan review"
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 issues raised in this representation are complex and of a technical nature which require thorough examination by way of hearing sessions.

The Matters Arising Changes Schedule (October 2015) is available on the Council website at: www.cardiff.gov.uk Hard copies are also available for public inspection during the consultation period at: 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 422
County Hall
Atlantic Wharf
Cardiff
CF10 4UW

Telephone: 029 2233 0983
E-mail: LDP@cardiff.gov.uk

Tests of Soundness

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