

REGULATORY APPRAISAL

TOWN AND COUNTRY PLANNING, WALES

THE TOWN AND COUNTRY PLANNING (LOCAL DEVELOPMENT PLAN) (WALES) REGULATIONS 2005

Purpose and intended effect of the Measure

1. The proposed Regulations provide for those matters that will be further regulated in relation to the preparation and content of local development plans (LDP) under the Planning and Compulsory Purchase Act 2004 (Part 6, sections 61-78). The LDP system will replace the current unitary development plan (UDP) system in Wales.
2. They:
 - enable stricter observance of plan preparation timetabling by all stakeholders in the system;
 - ensure that there is sufficient meaning-full community engagement at the early stages of plan preparation; and
 - have stricter plan monitoring and review requirements.
3. In addition they regulate matters of detail in relation to the form and content of the delivery agreement (which comprises the plan preparation timetable and community involvement scheme), the LDP and the annual monitoring report (all required in the primary legislation); and, in relation to the powers of intervention that the National Assembly has in the primary legislation. In particular they make requirements in relation to consultation, publicity and notification throughout the plan preparation process, and specify the stages required and the basic content of the delivery agreement, the LDP and the annual monitoring report.
4. These Regulations are being processed in tandem with The Planning and Compulsory Purchase Act 2004 (Commencement No.4 and Consequential and Transitional Provisions) (Wales) Order 2005.

Background

5. The Planning and Compulsory Purchase Act 2004 is focused on the Government's commitment to reform the planning system in England and Wales. The measures include a series of necessary reforms to speed up the development plan system and improve the predictability of planning decisions.
6. Each local planning authority in Wales has a statutory duty under the Town and Country Planning Act 1990 (as amended) to prepare a UDP for its area. The first generation of UDPs is currently being prepared but it is clear that there are difficulties in operating the system. They take too long to prepare and it is difficult to adapt them to changing national policies and local circumstances. To overcome this, it is the intention of the primary legislation that UDPs will be replaced with a simpler more flexible development plan, the LDP.
7. The need for a revised system of development plans was identified in *Planning: delivering for Wales (January 2002)*, supported in a full public consultation (in January

2002) and progressed through primary legislation for England and Wales as supported by the Welsh Assembly Government.

8. Part 6 of the Planning and Compulsory Purchase Act 2004 provides for a new system of land-use development plans in Wales called LDPs. Upon full commencement of sections 61 - 78 of this Act, each local planning authority in Wales will be required to prepare a single LDP for its area (or for joint areas together with neighbouring local planning authorities). Upon adoption the LDP will replace any UDP or, where there is no adopted UDP, whatever constitutes the statutory development plan for the authority's area (i.e. extant structure and local plans).
9. The Planning and Compulsory Purchase Act 2004 (Commencement No.3 and Consequential and Transitional Provisions) (Wales) Order 2005 was made on 26 April 2005. Its effect is to enable nine named local planning authorities, which had expressed a wish to commence work on the preparation of their LDP to do so. It was not a full Commencement Order in relation to LDP, preparation for these nine authorities, as it limited work that could be commenced to only the earliest stages of plan preparation.

Risk assessment

10. The primary legislation assumes that the National Assembly will commence the statutory provision and make Regulations in relation to the new LDP system.
11. Without these Regulations both the content of, and preparation process for, intended new LDPs would not be adequately regulated. Regulations are required to ensure that full consultation and participation is achieved, progress is properly monitored and powers of Direction are available. It would also mean that the need for a revised system of development plans, which was identified in *Planning: delivering for Wales*, could not be adequately implemented. Wales would continue with a UDP system which would be contrary to the decision previously made by the Assembly Government that it should be superseded. It would also mean that the Assembly would be negating its duties in respect of primary legislation, which Parliament expects it to implement.

Options

12. There are four options:
 - Option 1:** Do Nothing.
 - Option 2:** Make the Legislation
 - Option 3:** Make more limited Regulations.
 - Option 4:** Make more wide-ranging Regulations.

Option 1: Do Nothing

13. The LDP system contained in Part 6 of the Planning and Compulsory Purchase Act 2004 requires certain matters to be prescribed (e.g. section 69 in relation to the review of the plan, section 76 in relation to the annual monitoring report), and empowers the National Assembly to prescribe in relation to a wide range of other matters. If full commencement is approved (by way of The Planning and Compulsory Purchase Act 2004 (Commencement No.4 and Consequential and Transitional Provisions) (Wales) Order 2005) then there is no non-regulatory alternative to enable the new LDP system to operate as intended in primary legislation.

Option 2: Make the Legislation

14. The current UDP system is regulated by The Town & Country Planning Act 1990 and the associated Town & Country Planning (Development Plan) Regulations 1991. The proposed LDP Regulations are intended to provide a similar statutory basis for the new system.

Options 3 & 4: Make more limited Regulations; OR Make more wide-ranging Regulations:

15. The consultation 2005 responses have not indicated any general concerns in principle for the level of prescription proposed.

16. The consultation 2004 report indicated that increased prescription would go against the views of the Welsh Local Government Association and local planning authorities which generally considered that regulation should only include key requirements and minimal detail, and that the present system was much too prescriptive. However, many of the organisations representing the private sector (including the House Builders Federation), and some from the voluntary sector, considered that regulation should include as much as possible and make the process much more prescriptive than the current system.

Benefits

17. The benefits of development planning are varied and well recognised. It provides a framework for communities to influence the future development of the area in which they live; it provides a level of certainty about future land use; it provides a framework within which valued historic and natural heritage, and the wider countryside, can be protected; it facilitates the planning and efficient use of infrastructure etc.

18. An effective development planning system is essential to delivering the National Assembly for Wales's objectives for living communities; for urban and rural regeneration; for improving the country's infrastructure; and for achieving truly sustainable development.

19. The new LDP system is intended to bring benefits to the development planning system in Wales by making it more relevant, inclusive and engaging. It is intended that the various stakeholders including the development industry and the local community will recognise benefits in terms of speed and transparency in the plan preparation, monitoring and review process, and in terms of certainty in relation to development control. It is impossible to either quantify these benefits or to express them in monetary terms.

20. The LDP system will be a more flexible and simpler development plan system than the current system. Under the proposals it will mean that the public will be more involved in the process through the requirements in the Statement of Community Involvement (part of the required Delivery Agreement). Each local planning authority will be required to prepare a simpler development plan. The LDP will include general policies and key proposals for achieving a strategic vision. Annual monitoring reports will be prepared and submitted to the Assembly. Full review of the LDP will take place every 4 years. Building upon the statutory requirements, the detail of the operation and requirements of the new system will be set out in national policy and best practice documents.

Costs

21. It is anticipated that there will be no additional financial implications for the Assembly arising from these Regulations. The cost of processing the Regulations can be accommodated within existing administration costs budgets.
22. There are no identifiable additional costs for local planning authorities, as each is already required by statute to prepare and maintain a UDP for its area. A LDP will be required instead. Plan preparation procedures under the two systems vary to some degree, with greater public involvement at the early stages of plan making and no post-examination modification stage for LDPs. However, there is unlikely to be any difference in the costs of the local planning authorities meeting its obligations under the LDP system compared to under the UDP system. There will clearly be some implementation costs for local planning authorities in familiarising and training their staff in the new procedures. The Welsh Assembly Government recognises this and intends to issue national policy and good practice guidance on LDP together with ensuring there are adequate training opportunities linked to the roll-out of the proposed secondary legislation and associated guidance.
23. There are no identifiable additional costs for other public bodies, business and voluntary interests arising from these Regulations. These groups, or their umbrella organisations, already actively participate in the development of national planning policy in Wales through joint working and consultation.

Competition Assessment

24. No effects on competition are anticipated. In relation to businesses, the proposed changes will not distort competition in the property development market. No firm has more than 10% of the market share. The implementation of the proposals will not affect any one firm substantially more than others or change the market structure. The market is not one that is affected by rapid technological change. It is hoped that the changes will lead to increased property development, though this is likely to be through increases in capacity of existing firms (for example house building). The changes, as currently outlined will not increase the set-up, or ongoing costs for new or potential firms over and above the existing town and country planning system. Indeed it is expected that the overall effect of the reforms will reduce costs to all firms by increasing the speed, equity and certainty of the system. The proposals are very much about changing processes; they will not alter the existing balance of economic, social and environmental objectives in national policy and will not restrict the ability of firms to choose the price, quality, range or location of their products.

Enforcement and sanctions

25. The proposals will be enforced by a number of bodies: the Welsh Assembly Government, local planning authorities, and the Planning Inspectorate.
26. The Assembly Government will play a key role in ensuring that the requirements set out in the legislation as regards the preparation and adoption of LDPs are met. If the requirements are not met the Assembly Government, on behalf of the National Assembly for Wales, can, as with the current system, intervene in the process. The Assembly Government will continue to monitor progress by local planning authorities on development plan preparation.

27. The Planning Inspectorate will be responsible for undertaking the independent examination of LDPs and ensuring that the policies and proposals they contain are sound and appropriate.

Consultation

With Stakeholders

28. The draft Regulations (and the related draft Commencement No.4 Order) were the subject of an 8-week combined targeted consultation between 14 March and 9 May 2005. A list of the consultees is at Annex A.

29. 29 respondents made comments on the draft LDP Regulations and these were mainly on detailed matters. A summary of the consultation responses is attached at Annex B; it indicates the changes made to the draft Regulations, as a direct result of comments received during the consultation. A summary of these main changes is at Annex C.

30. An LDP Steering Group was also established in July 2003 to act as a sounding board during the formulation of the detail of the new system. This group includes: representatives of local government (the Welsh Local Government Association); local planning authorities (Planning Officers Society Wales); the voluntary sector (Welsh Council for Voluntary Action); the private sector (House Builders Federation); the academic sector (Cardiff University); environmental bodies (Environment Link); The Royal Town Planning Institute; the Planning Inspectorate and the Assembly Government's Planning Division. It has met on several occasions and the minutes of these meetings are available on the Assembly web-site; the group remains operative.

With Subject Committee

31. On 26 November 2002, the then Minister for Environment made a Ministerial Statement to Plenary on the '*Planning: delivering for Wales*' programme for change. On 16 January 2003, the Environment, Planning and Transport Committee endorsed the then Environment Minister's proposal to bring forward a programme of secondary legislation to implement the Planning and Compulsory Purchase Bill (at the time) in Wales. The current Minister made Statements to Plenary on 11 November 2003, and a Cabinet Written Statement was issued on 23 November 2004. These provided updates on the '*Planning: delivering for Wales*' programme for change including the primary legislation and the required new LDP system.

32. The Environment, Planning and Countryside Committee, 2 discussed the consultation document '*Delivering Better Development Plans for Wales*' on 14 July 2004 (EPC(2)-08-04 p.1), they offered the following comments on the proposed new arrangements:

- some concern about the transition from existing plans to the new LDPs, including the relevance and age of existing plans where local planning authorities did not have UDP; and the problems for emerging UDPs caused by the deadlines in the EU Directive on *Strategic Environmental Assessment*;
- need for constructive engagement with local planning authorities, and clarification of Assembly sanctions in relation to LDPs ; and
- need to ensure a satisfactory relationship between LDPs, the Wales Spatial Plan, and new spatial planning policy such as the Assembly Government's draft (*Planning Policy Wales Technical Advice Note*) TAN 8 on Renewable Energy, and that the Welsh Assembly Government is given due weight in the planning process.

33. Subsequently the Environment, Planning and Countryside Minister determined that each local planning authority should determine whether it progressed its UDP to adoption (i.e. to become the statutory land-use development plan for the purposes of section 54A of the Town and Country Planning Act 1990) or moved to LDP preparation as provided for by the Planning and Compulsory Purchase act 2004 (Commencement No.3 and Transitional Provisions) (Wales) Order 2005.
34. The Environment, Planning and Countryside Committee scrutinised these Regulations and the Commencement No.4 Order at its meeting on 13 July 2005 (EPC(2)-09-05 (p.4)) and (EPC(2)-09-05(p.5)). The Committee recommended approval of the Regulations without amendment.

Monitoring and review

35. As part of the LDP system there will be a statutorily required Annual Monitoring Report prepared by each local planning authority which will report on the implementation of the adopted LDP policies for the area. This report will then aid the authority in deciding whether or not its LDP needs to be reviewed. The Regulations require this report to be submitted to the National Assembly; and the Reports will assist the Assembly Government in considering whether the Regulations for the LDPs need to be reviewed.
36. Provisions of the LDP system in the 2004 Planning Act requires the preparation of a plan preparation timetable by the local planning authority, to be agreed by the authority and the National Assembly. If slippage occurs the authority has to notify the Assembly Government. The Assembly also monitors the progress of development plan preparation by local planning authorities on a bi-annual basis, and this will alert the Assembly Government of any slippage.

Summary

37. After considering the options contained in this assessment it is clear that the Regulatory option embodied in this SI is in line with the objectives of the Assembly Government's "*Planning: delivering for Wales*" programme, and is considered the most effective means of addressing the issue.

ANNEX A – CONSULTEES (Consultation 14 March – 9 May 2005)

Chief Executives and Chief Planning Officers of the 25 Local Planning Authorities in Wales,
British Waterways,
Campaign for the Protection of Rural Wales,
Cardiff Chamber of Commerce,
Cardiff University,
Confederation of British Industry Wales,
Children’s Commissioner,
The Civic Trust for Wales,
Council for National Parks,
Council for Racial Equality (Wales),
Country Land and Business Association,
Countryside Council for Wales,
Disability Wales,
Environment Agency Wales,
Environmental Services Association,
Equal Opportunities Commission,
Forum for the Future,
Friends of the Earth,
Glamorgan Gwent Archaeological Trust Ltd,
Gwynedd Archaeological Trust,
House Builders Federation,
Landscape Institute Wales,
The Law Society,
National Farmers Union of Wales,
Network Development,
Planning Aid,
Royal Institute of Chartered Surveyors Wales,
Royal Society for the Protection of Birds,
Royal Town Planning Institute in Wales,
South Wales Police,
SP Power Systems,
Sustrans Cymru,
Wales Environment Link,
Wales Planning Forum,
Wales Association of Voluntary Councils,
Welsh Association of Town & Community Councils,
Welsh Council for Voluntary Action,
Welsh Development Agency,
Welsh Language Board,
Welsh Local Government Association.

The consultation was also placed on the Assembly web-site and a notice made available to the technical press.

ANNEX B

LOCAL DEVELOPMENT PLAN SYSTEM

**REPORT OF CONSULTATION RELATING TO THE PROPOSED NEW LOCAL
DEVELOPMENT PLAN SYSTEM; ON;**

- i) DRAFT COMMENCEMENT & TRANSITIONAL PROVISIONS ORDER
EXPLANATORY NOTE, AND**
- ii) DRAFT REGULATIONS**

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1. INTRODUCTION

The consultation document on the two statutory instruments was the subject of an 8-week combined targeted consultation between 14 March and 9 May 2005. The consultation was intended to offer key interests in Wales an opportunity to comment on the draft proposals for the two instruments; a list of consultees is on page 42; The consultation was also placed on the Assembly web-site and a notice made available to the technical press.

The consultation followed on from the analysis of responses to a full public consultation on *'Delivering Better Development Plans for Wales'* which took place from 9 June to 18 September 2004 – i.e. 14.5 weeks – and contained the principles of the local development plan system and the draft policy framework for the necessary Regulations. That policy framework, *'Local Development Plans Wales'*, is being finalised to issue in the autumn to complement the two statutory instruments; in addition an *LDP Manual* is in preparation to supplement the policy guidance and assist both practitioners and the public in implementing the new local development plan system.

2. SUMMARY OF RESPONSES TO CONSULTATION ON DRAFT ORDER AND REGULATIONS (14/03/05 – 09/05/05)

A. ANNEX 2 - DRAFT COMMENCEMENT & TRANSITIONAL PROVISIONS ORDER EXPLANATORY NOTES

Ref.	ISSUE Page / Para	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR ORDER	Consider for Policy /Guidance
	Part 2 – Transitional provisions:			
5	9 / ii	Guidance referring to paragraph 16 of the Revised Initial Guidance (making clear public statement) remains ambiguous. Local press notice, letter to representors or web based statement – each has the potential to reach different audiences.	ACTION – Draft Order clarifies publication to be on LPA web-site	
12	9 / ii		ACTION – LPAs can decide to move to LDP preparation at any stage	
5	9 / iv	Optional paths need to be offered for those UDPs that are at post-inquiry stages, so that LPA can consider which “preferred path” to follow. Having received an Inspector’s report does not necessarily mean early adoption of UDP will follow. There may be significant work involved before proposed modifications can be issued & possibility of 2 nd public inquiry cannot be dismissed. Those UDPs may have to be subjected to SEA, requiring further work when transfer to commencement of LDP would be the preferable option		
18	10 / x		NO ACTION – (adopted UDP prevails)	
5	10 / xi	Which plan prevails is unclear. Does the UDP only prevail over ‘other plans’, and that any local plan or structure plan prevails over the UDP?	NO ACTION – (support noted)	
12	10 / xi	Re-use of ‘work undertaken prior to commencement of Part 6 of the Act’ is sensible in the interests of efficiency and economical use of scarce time / officer & financial resources.	NO ACTION – (new LDP system is as much about process as content) – (LPA could approve for DC purposes)	
29	10 / xi	Existing policy statements / saving policies - Reconsideration is required on this point. There should be a facility to save policy where such policy is in accord with SA.		+
		Total abandonment of an emerging UDP, leaving a ‘vacuum’ in terms of up-to-date policy coverage, could be very negative and damaging. Ideally there should be some ways of “saving” elements of a UDP that has been taken to advanced stage when LPA transfers to LDP preparation; clarification on UDP draft policy status would be welcomed.	NO ACTION– (model policies will not be in LDP Guidance; the AssGvt will consider	

		<p>Has consideration been given to the development of a set of 'model' strategic policies incorporated into LDP guidance to assist with plan preparation.</p>	<p>whether there is a need to clarify which national planning policies need to be reiterated in LDPs and which policies can stand alone.)</p>	
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B. ANNEX 3 & 4 - DRAFT LOCAL DEVELOPMENT PLAN REGULATIONS AND ADDITIONAL EXPLANATORY NOTES

PART 1- GENERAL

Regulation 1 – Title, commencement and application – No comments

Regulation 2 – Interpretation

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
15, 24	Expl Note (h) (page 11)	Reference to 'draft LDP' should be amended to 'deposit LDP'.	ACTION – Amend Explanatory Note (h)	
9 10 18 21 23 24	"General consultation bodies"	<p>Definition of 'general consultation bodies' is very vague and could have wide resource implications for how a LPA undertakes public consultations. It could range from small business to multinationals. Persons not included in any public consultation may be aggrieved. Clarification is required on what bodies represent the interests of persons carrying on business within the LPA's area.</p> <p>It is suggested that the list of consultation bodies should include professional bodies with a remit relating to land use.</p> <p>The expression 'voluntary bodies' at (a) is too indefinite. There is a degree of overlap in that the bodies mentioned in (b) and (f) might also fall into the voluntary category. Another sub clause (g) should be added including a missing element: those voluntary bodies that represent environmental interests.</p> <p>Welcome reference to 'bodies which represent the interests of Welsh Culture in LPA's area' (f). For several LDPs it would be necessary to consult with local and national Welsh language bodies that act locally and nationally.</p> <p>The narrow use of general and specific consultation bodies fails to engage the wider community which do not have representative bodies.</p> <p>Potential problems in identifying the consultees in the general and specific.</p>	<p>NO ACTION - any clarification could be in guidance; (these bodies will be groups not individuals)</p> <p>NO ACTION – too general</p> <p>NO ACTION - any clarification could be in guidance; env interest bodies are included in (a).</p> <p>NO ACTION - (support noted); any clarification could be in guidance</p> <p>NO ACTION - (the new system is aimed at com. engagement; any clarification could be in guidance)</p> <p>NO ACTION - any clarification could be in guidance</p>	<p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p>
10	"Specific consultation bodies"	"Specific consultation bodies" Suggestion to include reference to voluntary local authorities partnerships relating to regional planning, transport, housing, waste & local police	NO ACTION - any clarification could be in	+

14		<p>authorities.</p> <p>Pleased that WAG has included water and sewerage undertakers. Delivery of water/sewerage facilities to/from potential development is fundamental for promoting sustainable development.</p>	<p>guidance (- not statutory bodies) NO ACTION – (support noted)</p>	
5 10 18	'Objection'	<p><u>“objection means any representation made under section 64(6)”</u> - Can’ t find this section in the P&CPAct. Is this is an appropriate statement? LDP documents should make it clear what a duly made representation consists of. This statement is particularly unclear.</p> <p>Misleading sentence as the regulations do not refer to objections at all. Amendment : “representation” means objection, expression of support or any other valid comment on the LDP.</p> <p>Use of 'objection' to denote a 'representation' is only acceptable if support statements in respect of an LDP or accompanying documents are inadmissible. Regs 16 and 18 refer to 'representations'. As the word 'objections' does not appear in the Regulations thought should be given to its appropriateness as an interpretation item and whether 'representation' should replace it.</p>	<p>ACTION – delete reference to 'objection' in 'Reg 2' Interpretation as it is not a term used in the regs; it is not necessary to define 'representation' as its meaning is clear – any further clarification could be in guidance</p>	+
10 31	“Decision statement”	<p><u>“decision statement” means - (a) a statement ...-</u> 'Modifications' echoes the old style UDP system. Does this cover the range of changes that the inspector has open to him?</p> <p>References to the NAW 'decision statement' to 'approve' the LDP (Interpretation 2(a) and 2(b)) queried since process defined in the Act does not seem to involve such a stage.</p>	<p>NO ACTION – relates only to a called-in LDP under Reg34</p> <p>NO ACTION – arises where LDP called-in under s 65(4) of 2004 Act</p>	
10, 31 10 13 15	Other	<p>This section is over complicated in <u>style and layout</u> – e.g. there are 7 sub-section A's in this part of the document; reference to sub clauses would be simpler if they were unique</p> <p>Need for further explanation what is meant and where more information can be found on the <u>Communications Act 2003</u>.</p> <p><u>“pre-deposit proposals documents”</u> - Not clear whether the WAG requires the LPA's preferred option at this stage or at the consultation stage.</p> <p>In relation to <u>'local advertisement'</u> it is unclear as to whether</p>	<p>ACTION – renumber / reconsider layout</p> <p>NO ACTION - any clarification could be in guidance NO ACTION - required at Reg15</p>	+

18		this should include the London Gazette (Pg 15).	NO ACTION – London Gazette notice not required	+
19		Under ' <u>initial consultation report</u> ' the lpa acronym is given in error in lower case.	ACTION – amend to LPA	
21		<i>Amendment (To ensure a shared understanding of the principles of participation)</i> <i>“principles of the LDP participation strategy” means the Aarhus model of participation – access to information, participation and to justice.</i> <u>Electronic communication</u> – would expect public bodies to act in line with the Welsh Language Act 1993 and Statutory Language Schemes.	NO ACTION - (term used in Reg6); any clarification could be in guidance NO ACTION – for LPA’s own Welsh Language policy	

Regulation 3 – Scope of Regulations – No comments

Regulation 4 – Electronic communications

Ref	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
21		Efforts to promote e-correspondence welcomed.	NO ACTION (support noted)	+
25		Support the proposals for greater use of electronic communications & requirement for LPA to make copies of their plans available on their website. Need and opportunity for the promotion of wider e-Government and e-Planning objectives on a GIS basis. Importance for the decision-making and investment activities of numerous bodies in Wales. Whilst development of the Planning Portal a fair degree of consistency has emerged. However, a set of common standards and protocols still need to be agreed as each lpa interprets the DP Regs to suit its particular circumstances.	NO ACTION - any clarification could be in guidance	
27		Consideration to be given in regard to e-communications to referring to midnight rather than close of normal working hours.	NO ACTION – reasonable requirement as drafted	

PART 2 - PRELIMINARY

Regulation 5 – Community Involvement Scheme Preparation

R ef.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
8	CIS - integration	Request for guidance as to how the requirement of the CIS for the LDP is to be integrated with the preparation of local authority Community Strategies.	NO ACTION - any clarification could be in guidance	+

<p>19</p> <p>21</p> <p>22</p> <p>22</p> <p>4, 24</p>	<p>CIS-consultation bodies</p>	<p>Regulations only require LPAs to engage with specific statutory and non-statutory consultation bodies already engaged in the process, no mention of need to engage with the wider community. Not compliant with Aarhus principles because there is no engagement of the wider community. 'Principles of participation strategy' of regulation 6 (b) not interpreted in Part 1. Unwillingness to generate a shared understanding of participation demonstrated. In addition to extensive consultation there is a need to encourage the active participation of all sections of the community.</p> <p>Suggested Amendments: Purposes: To broaden the duty to promote participation to the wider community and to ensure that the LPA complies with its own CIS. "5. (a) The persons who ought to be engaged ...are those general consultation bodies as appear to the LPA as having an and any other body or individual who has an interest in...." (b) The local planning authority must prepare the LDP in accordance with its own CIS as specified in section 63 (1) (a)</p> <p>Important to include the organisations that are involved with the Welsh language in 'general consultation bodies'. Importance of LDPs from a Welsh language angle will vary according to area. Every LPA should consult with language organisations to seek their opinion.</p> <p>Onus should not be LPA's to decide which general consultation bodies should be engaged in the preparation of a CIS. All general consultation bodies and public should be involved in preparation of CIS. CIS could be skewed to favour aims and objectives envisaged for LDP by LPAs, though still conforming with regulations. Suggested amendment: 'any general consultation body or member of the public who expresses an interest in matters relating to the development in the lpas area'. Principle behind the regulation supported.</p> <p>Support an increased emphasis on public participation in the development plan formulation process and and increased clarity of vision as to how and when the public and civil society should participate in the process</p> <p>Consultation on Delivery Agreement (DA) could be targeted more selectively with those organisations have an interest in the CIS or timetable.</p>	<p>NO ACTION - (disagree - the new system is aimed at community engagement); there is no requirement to introduce the Aarhus principles into the LDP Regs, but they may take effect later through the amendment to the SEA Regs; any clarification could be in guidance; - 5a proposal would be too onerous; - s63(1)(a) does not need to be repeated in Regs.</p> <p>NO ACTION – interests of Welsh culture is considered adequate.</p> <p>NO ACTION – (support noted) – proposal is too onerous; reasonable that LPA exercises discretion.</p> <p>NO ACTION – (support noted)</p> <p>NO ACTION – Reg 5 allows discretion re CIS.</p>	<p>+</p>
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Regulation 6 – Content of Community Involvement Scheme

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
19 22	Participation	<p>Amendments Purpose: To increase community participation in the LDP system and to broaden the scope of CIS to include participation standards for DC. “A community involvement scheme must include ... (c) ... (iii) interested bodies and individuals will be given the opportunity to participate (e) The principles of the development control participation strategy to be adopted by the LPA.</p> <p>Contradiction between draft Regs and draft 'LDPs Wales' para 4.8 (bullet 4) which includes 'techniques' in addition to 'principles'. Amend Reg otherwise it would be possible for the LPA to restrict itself to a minimalist approach to participation. Principal behind the regulation supported.</p>	<p>NO ACTION – proposal (iii) is covered by (i); Proposal (e) – s63(2) of the PCPAct'04 defines the scope of the CIS – it does not extend to development control (unlike the SCI in England under s18(2)).</p> <p>NO ACTION – (support noted); any clarification on types of participation could be in guidance re. 'principles of the LDP participation strategy'</p>	+
13	Type of detail	Uncertain regarding the type of detail that the LPA should be describing here.	NO ACTION - any clarification could be in guidance	+
27	CIS-development of guidance	LPAs should be more closely involved in developing the guidance on CIS.	NO ACTION – (LDP stakeholder group + LPA self-help group + WLGA are represented on the LDP Manual Steering Gp)	

Regulations 7 – Timetable Preparation; & Regulation 8 - Content of Timetable

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
13	Timetable	Not possible to set key <u>dates</u> and stick to them.	NO ACTION - timetable essential to new LDP	

23		<p>Timetable is an important element of making plans speedier but all the authorities that are to be consulted could lead to the lengthening of timetables rather than shortening. Need for 4-year requirement for adoption to be adhered to. Would like to see wider consultation on timetable and CIS as in England.</p> <p>Assembly must set out guidelines on what are acceptable reasons for revision and must be strict with such proposed changes.</p> <p>Concern that 2-stage timetable may extend the overall length of the process. There must be safeguard that it is not greater than 4 years. Maximum timeframe for the 1st part should be set up based on a realistic assessment of how long the 2nd stage will take.</p>	<p>system</p> <p>NO ACTION – LPAs need to act reasonably in meeting statutory requirement in this respect.</p> <p>NO ACTION - any clarification could be in guidance</p>	+
8	Timescale	Timing of the adoption of current UDPs has in some cases been delayed through WAG intervention & new guidance. In consideration of the 4-year-period for the LDPs WAG must be prepared to take a more pragmatic approach to emerging planning guidance & its integration with advanced development plans.	NO ACTION – LDP should be adopted following receipt of Inspectors Report;	
4, 24	Consultation	Consultation on Delivery Agreement (DA) could be targeted more selectively with those organisations have an interest in the CIS or timetable.	NO ACTION – important for all specific cons. bodies to be aware of timetabling re Reg 7; - any clarification could be in guidance	+
16	General	The reference to the relevant provision in the Act should be section 63 (7) (c) rather than (a).	NO ACTION – (a) is correct	

Regulation 9 – Delivery Agreement

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
378	LPA Deadline (1)(b)	<p>Clarification sought on whether the DA must be submitted to NAW 4 months after or 4 months before the end of the inquiry.</p> <p>Clarification sought on whether LPAs are required to submit a DA on or before 21st July 2006, or where the LPA's UDP is taken forward under transitional provisions, 4 month from the end of the inquiry, whichever is the earlier.</p> <p>Consequence of submitting DA by 21 July 2006 would be considerable overlap with UDP/LDP workload. Confirmation that 21 July 2006 is the date applicable to this LPA for its DA</p>	ACTION – amend (1)(b) to require submission for agreement “ <i>on or before the date specified in guidance made under s75</i> ”; - any clarification,	+

20		would be beneficial to prepare a work programme for the two plan processes.	including the transitional provision, could be in guidance	
27		Proposed deadline of 21 July 2006 for preparation of DA considered to be onerous. Though LDP process should progress there is not sufficient time for a thorough and considered approach to be developed. Committed to delivering the intended improvements but difficult in the compressed timescales. Concern expressed that timetable for submitting the DA may be too tight.		
5	NAW Deadline (2)	Limited scope for flexibility, except on the part of the Assembly. The latter should commit sufficient resource to achieve a 4 weeks deadline.	NO ACTION – flexibility is fall-back situation important in retaining Assembly’s role	
13	NAW Response (2)	What should WAG’s response be stating? WAG’s role unclear at this stage. Regulation leads immediately to slower plan preparation. Can the LPA undertake work under regulation 14 without an approved DA?	NO ACTION - any clarification could be in guidance NO ACTION – (whilst Reg 14 consultation is acceptable prior to DA agreement under Reg9(4), guidance will clarify that the AssGvt considers it important that DAs are agreed prior to Reg14 <i>pre-deposit consultation</i> , other than for those LPAs which commenced LDPO preparation early.	+ +
13	Revision (5)	If LPA needs to revise and re-approve the timetable on each occasion massive delays could result. Can LDP documents be published while revised DA is being approved?	NO ACTION - any clarification could be in guidance	+
18		Consider that DA revision need only comply with sub paragraph (1) (a).	ACTION – drafting error noted – amend	

			after reference to paragraph (1)(a) “prior to being agreed with the National Assembly, and subject to paragraph 2 and 3”	
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Regulation 10 - Availability of Delivery Agreement

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
13		What constitutes a revision? If a cabinet date is missed and there is a month’s slippage, will the DA need to be re-consulted and re-approved?	NO ACTION - any clarification could be in guidance	+

PART 3 - FORM AND CONTENT OF LDP

Regulation 11 – Form and content of LDP

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
13, 23	Date / Status (1)	The title should also contain end date of LDP e.g. 2021. Should state whether it is a revised document and include all appropriate dates.	NO ACTION - any clarification could be in guidance	+
13 23	Reasoned Justification (2)	In order to keep a plan short a reasoned justification is not always necessary.	(- Reg doesn’t require specific RJ on each policy)	+
23	Vision	Inclusion of the word ‘succinct’ before reasoned justification would help convey the message that plans are meant to be more concise. The fact that a plan should include a ‘ vision’ should be included in this section.	NO ACTION - any clarification could be in guidance	+

Regulation 12 – Proposals Map

Re	ISSUE	SUMMARY OF RESPONSE	RECOMMEN	Consider
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f.			DED ACTION FOR LDP REGS	for Policy /Guidance
22 13 18	Proposal Maps – content (1)	<p>Commitment to a comprehensive proposals map supported. Omission of reference to what should appear on the proposals map opposed. Requirements of para 2.24 LDPs Wales (stating that boundaries of nationally designated site should be shown) should be in Regs.</p> <p><i>“...must be illustrated on that inset map only.”</i> Why only the inset map? Maps would be clearer if it could be shown on both.</p> <p>To be fully usable a proposals map should be reproduced from an OS map to provide the detail to found on such a sheet. Consistent with readability, proposals maps should provide maximum information.</p>	<p>NO ACTION - (support noted) - any clarification could be in guidance +</p> <p>NO ACTION - potential for confusion if discrepancies NO ACTION - potential for confusion - any clarification could be in guidance re GIS etc +</p>	+ +
3, 9, 18	Key (5)	Is it necessary to provide a symbol and notation ‘ key’ on every map or is a single ‘ key’ accompanying the maps sufficient?	NO ACTION - any clarification could be in guidance +	+ +

Regulation 13 – LDP: additional matters to which regard to be had

Re f.	ISSUE	SUMMARY OF RESPONSE	RECOMMEN DED ACTION FOR LDP REGS	Consider for Policy /Guidance
4,6 ,15 , 24, 29, 31	Hierarchy of matters/justification (1)	There appears to be a hierarchy of matters to which the LDP must have regard – Act/Regs/guidance. Without any transparent logic on selection; e.g. why no statutory regard to the local housing strategy or Regional Waste Plans.	ACTION - amend to include local housing strategy(ies) and Regional Waste Plans; guidance will present full package +	+ +
9,1 5	Wales Spatial Plan / regional (1)	No mention of the WSP. Do the LDPs have to refer to the WSP and any regional studies undertaken within the context of the WSP?	NO ACTION - regard to WSP is in 2004 Act - any clarification could be in	+ +
29	Community Strategy (1)	No reference to Community Strategy.		
4,1 01	Preventing major accidents / meaning of	Objective of preventing major accidents and limiting		

5, 18, 24, 31	establishments (1)(c)&(d)	<p>consequences welcomed but lack of adequate national planning policy on how can be achieved.</p> <p>Para (2) statement notwithstanding, the very imprecise term 'establishments' needs to be defined in the interpretation section. Context implies that the provision relates to sites on which dangerous substances are used or stored. Need for specific and detailed guidance on how the LDP could take account of such issues. Explanation in layman's terms of some of the EU Directives would be helpful.</p>	<p>guidance NO ACTION - regard to CS is in 2004 Act</p> <p>NO ACTION – Regs make reference to the Directive; also relevant are NAW Circular 20/01 <i>Planning Controls for Hazardous Substances</i>, and AssGvt 2003 – <i>Hazardous substances consent, A Guide for Industry</i></p>	
21	National Policy / laith Pawb / WSP	<p>Issues are in addition to those referred to in PCPA 2004 section 62 (5) (a) to (g). Section 62 (5)(a) of that Act refers to 'current national policies'. We expect that to include laith Pawb as one of the WAG's national policies. Reference to the Wales Spatial Plan in PCPA 2004 section 62 (5) is welcomed.</p>	<p>NO ACTION - (support noted) - any clarification could be in guidance</p>	+
19	Sustainable dev.	<p>Disappointing that there is no reference to section 39 of the PCPA that is the duty to promote sustainable development. This duty was placed on the NAW by section 121 of the Government of Wales Act 1998. LDPs should have their attention drawn to the legal force of this requirement.</p> <p><u>Amendment</u> - Purpose: To ensure due regard is given to promote sustainable development: "13. (1) The matters (additional to those specified in section 39 and section 62 (5) (a) to (g)) prescribed ..."</p>	<p>ACTION - s39 will be commenced for Wales (target autumn'05) ; amend Reg 13(1) to add reference to section 39; (+ amend ref to s62(5)(a) to (g) – to replace (g) with (f))</p>	+
16	General (1)	<p>The reference in subsection (1) should be to section 62 (5) rather than 65 (5) as stated in the draft Regulations.</p>	<p>ACTION – amend reference at Reg 13(1)</p>	

PART 4 – LDP PROCEDURE

Regulation 14 – Pre-deposit consultation; & Regulation 15 – Pre-deposit public participation

Ref	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
3, 9 16	'Engage' (Reg14)	Clarification is sought on what is meant by the term 'engage'. Similarly, Regulation 22 (2) (c) (i) refers to 'engaged'. The use of the word 'engage' is could cause confusion – if means 'consult with' then say so.	NO ACTION - any clarification could be in guidance	+
4, 14, 15, 23	Terminology (Regs14&15)	Terms used are confusing and potentially misleading. References to 'pre deposit consultation' and pre deposit public participation could be reversed or replaced by less ambiguous terms. Typically consultation is identification of issues and commenting on plans. Participation implies a longer-term relationship, based on a dialogue. There will be other related changes that will need to be made e.g. Reg 16.	ACTION – change terminology to Reg14 pre-deposit participation, and Reg 15 pre-deposit public consultation (+ amend other related references)	
22	Pre deposit consultation (Reg14)	Pre-deposit consultation supported as early consultation can improve environmental performance of the plan. Where proposed allocations are not set out at pre-deposit consultation stage the public may not be aware of implications for the LDP for the community until deposit stage. <u>Inclusion of proposed allocations</u> in Pre-Deposit Consultation stage should be a requirement in Regs.	NO ACTION – (support noted) - any clarification could be in guidance	+
4,1 5 23, 24, 31 29 23 24	Duplication (Regs14&15)	Concerning that the consultation process appears onerous & seems to involve duplication, which will hinder achievement of the tight timescale for adoption. There may be an opportunity to combine Reg 14 & 15 stages, providing an opportunity for people to respond to draft strategies / proposals and suggest different alternatives and proposals in one exercise. 'Consultation fatigue'. Early phases with duplicity of consultation may not make sense to the public. HBF is concerned with the reference to ' the extent that the LPA considers appropriate', because it is a very weak statement that allows LPAs to consult who they please. At	NO ACTION – distinction important to ensure involvement of key stakeholders at earliest opportunity - any clarification could be in guidance NO ACTION	+ + +

		<p>this important stage it is vital that LPA involve the right people.</p> <p>Concern that organisations described as specific consultation bodies will not have resources to contribute within anticipated timescale. Engagement with all relevant stakeholders is essential throughout plan preparation period.</p>	<p>NO ACTION - any clarification could be in guidance</p> <p>NO ACTION - Delivery Agreement will ensure stakeholders can review resource implications early - any clarification could be in guidance</p>	
22	Options (Reg14)	Use of 'options approach supported.	NO ACTION – (support noted)	
22	Public engagement/ consultation bodies (Reg14)	Oppose the statement here that it is the LPA alone to decide which of the consultation bodies should be engaged in generating alternative strategies. RSPB objects to the omission of a requirement to engage the public in generating alternative strategies & options. The public should be engaged at the earliest possible stages in development plan formulation. It is recommended that a new Regulation 14 (c) is inserted which refers to the public.	NO ACTION - proposal is too onerous (Reg as drafted doesn't prevent LPAs doing this) - any clarification could be in guidance	+
23 29	Delays	<p>Concerned that increased participation will result in greater delays which risk undermining the gains made at the end of the process. WAG must ensure that LPAs adopt an appropriate timetable and adhere to it.</p> <p>Reg 14 will not necessarily lessen comments from specific consultation bodies under Reg 15. Unable to see how the process will be accelerated. Slippage will continue to be a factor.</p>	NO ACTION - timetable is key, and participation must be reasonable - any clarification could be in guidance	+
5	'Pre-deposit matters' (Reg15)	Could this Reg state what comprises pre-deposit matters or refer to a place where they are shown / listed specifically as pre-deposit matters. (also Reg 17 re deposit matters)	ACTION - amend drafting error inconsistency between Reg2 & Reg15 re "pre-deposit"	

			<i>matters</i> " and "pre- deposit proposals matters" – the former is correct (NB definitions are at Reg2)	
9 19	Participation	<p>Clarification is sought on what is meant by 'participation' and how it differs from the consultation required under Reg 14.</p> <p>Disappointed that the draft regulations don't provide an effective and coherent framework for public participation. Consultation arrangements are minimal and have nothing to do with the more empowering notion of participation that requires the active engagement of communities. Disappointing that WAG hasn't chosen to use the powers under section 77 (e) of the Act to set exemplary standards.</p>	<p>NO ACTION - any clarification could be in guidance</p> <p>NO ACTION - (see Minister's PdW Statement Nov'04; the new system is aimed at com. engagement; any clarification could be in guidance)</p>	+ +
22	Full pre-deposit plan	Concerned about the lack of a requirement for a full formal pre-Deposit Draft version of the LDP. There are instances in Wales where LPAs have chosen not to produce a full pre-Deposit version of the plan in order to avoid legitimate public scrutiny. Absence of a full pre-Deposit Consultation Draft stage means that the LPA misses the opportunity to negotiate with objectors.	NO ACTION – full plan at this stage is potentially confusing and would add to length of plan making timetable.	

Regulation 16 – Public Participation Representation

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
4	Extension (2)	Regulations could allow for period to be extended by agreement between the LPA and the representor.	NO ACTION - any clarification could be in guidance (LPA will be able to determine whether to accept late reps)	+
11	Start of 6-	Regulations 16, 18 & 21 state consultation period would	ACTION –	

13 18	week consultation period (2)	<p>start on the day on which the LPA complies with Reg 15 (a), 17 (a) and 20 (2) respectively. Inconsistencies between these Regs as to the start date of the consultation period. Reg 15 (a) & 16 indicates this date is that on which the LPA makes hard copies available for inspection; the other Regs give this date as compliance with website publication, postal delivery and advertisement in addition. Everyone should have full 6-week period.</p> <p>For consultees identified under Reg 14 (a) & (b) the 6-week consultation period should begin from the date of <u>receipt</u> of the documents. For the rest it should begin from <u>either</u> the date the authority makes the hard copies available at its offices, etc. <u>or</u> on its website – whichever is last completed.</p> <p>(2)(a) - Should include 15 (c) & (d) (as well as (a))</p> <p>In order to allow a full 6 weeks period for representations to be received, documents will be mailed to reach the bodies identified in Reg 14 (a) / (b) on the same day as the documents are made available for public inspection under Reg 15 (a).</p>	<p>amend Reg 16 (2)(a), Reg 18 and Reg 21(1) to require compliance with Reg 15(a), (c) & (d), Reg 17(a), (c) & (d), and Reg 20(2)(a), (c) and (d) respectively (rather than compliance with 15(a), 17 (a) and 20(2)).</p>	
22	Objections (3)	<p>LPA could consider, but then reject, a valid objection at the pre-deposit stage, and this objection will not subsequently be heard. Contrary to PdW. <u>Proposed Amendment:</u> “16 (3) all representations lodged at the pre-deposit stage, if they are not resolved at subsequent stages, will be carried forward to the Examination for consideration by the Inspector”</p>	<p>NO ACTION – Reg17 (deposit) requires initial consultation report – stakeholders will need to consider this to determine reps to deposit plan; Reg22 (submission) requires consultation report which will include issues & how LPA has addressed them.</p>	
22	General	<p>Supports regulation 16 (1).</p>	<p>NO ACTION - (support noted)</p>	

Regulation 17 – Deposit of Proposals

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
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16	Publication on website (b)	Reg17(b) & elsewhere – Law Society not aware of statutory requirement for a LPA to have a website	NO ACTION – s111(1) of Local Gvt Act permits, amongst other things, LAs to expend money on equipment to comply with their statutory powers & duties; in practice all LPAs do have web-sites	
5 18	General	17(c) - Must the information sent to each of the bodies be paper version? 17(c)(i) - For avoidance of doubt the 'deposit' LDP should be referred to.	NO ACTION – Regulation implies that it is paper version ACTION – amend 17(c) (i) to ' <i>the deposit LDP</i> '	

Regulation 18 – Representations on deposit proposals of LDPs

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
11 3, 9	Start of 6 week consultation period (2)	Regulations 16, 18 & 21 state consultation period would start on the day on which the LPA complies with Reg 15 (a), 17 (a) and 20 (2) respectively. Inconsistencies between these Regs as to the start date of the consultation period. Reg 15 (a) & 16 indicates this date is that on which the LPA makes hard copies available for inspection; the other Regs give this date as compliance with website publication, postal delivery and advertisement in addition. Everyone should have full 6-week period. For consultees identified under Reg 14 (a) & (b) the 6-week consultation period should begin from the date of <u>receipt</u> of the documents. For the rest it should begin from <u>either</u> the date the authority makes the hard copies available at its offices, etc. <u>or</u> on its website – whichever is last completed. Reg is not clear. It should require representations to be sent to the address specified in any notice published by advertisement or on the web-site.	ACTION – as Reg 16	

Regulation 19 – Handling of representations: deposit

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
3 18	Publication of representations (2)	<p>(2)(b) - Clarification is sought whether it is necessary for all representations to be published in their entirety or whether summaries could be posted on the web-site.</p> <p>Representation published as a 'scanned' image - >problems of handwriting legibility / Representation typed in its entirety -> significant resource implications. (and reg 20)</p> <p>Is it correct that these regulations mean that individual representations must be made available and published as received, not after the end of the 6 weeks period for response? If so it would be less time consuming to deal with all representations as a single batch?</p>	<p>ACTION - amend 19(2)(b) to require, <i>where practicable, the publication on the LPA's web-site the details of all reps received together with a statement of how they can be inspected in accordance with Reg15(a)</i> - any clarification could be in guidance. Also amend Reg 21(2)(b) for consistency.</p>	+
18	Late representations	<p>Difficult to understand how late representations will be handled, apart from not being required to be made available or published on the LPA's website.</p>	<p>NO ACTION - guidance will give LPA discretion in accepting / handling late representations</p>	+

Regulation 20 - Handling of representations: site allocation representations

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
7	Advertisement of representations (2)	<p>Welcomed as it encourages openness and an opportunity for 3rd party involvement within the development plan process.</p>	<p>NO ACTION - (support noted)</p>	
9	Format of representations (2)(b)	<p>2(b) - Clarification required on the format (scale and the amount of detail) that site-specific representations should be submitted to the LPA. Numerous small site</p>	<p>NO ACTION - any clarification</p>	+

		<p>representations would be no more than a line drawn on a photocopied OS map showing the sites in question. The onus for the LPA would be to interpret such information correctly. If LPA provide such maps, who would bear the costs of producing?</p> <p>Clarification is also required on how such information should be presented electronically. Representation published as a 'scanned' image -> problems of handwriting legibility. Representation typed in its entirety -> significant resource implications.</p>	<p>could be in guidance</p> <p>NO ACTION - any clarification could be in guidance (Reg states 'where practicable')</p>	+
5	General	<p>2(a) - Closing bracket for (3 missing.</p>	<p>ACTION – drafting error noted – amend</p>	
1		<p>Difficult to understand why <u>a or the</u> “site allocation representation” is referred to here. Matter of inconsistency and improbable that only ONE site allocation representation will be received during the consultation period.</p>	<p>NO ACTION - Reg application would be for each site allocation rep.</p>	+
8		<p>Does the regulation refer to how the LPA deals with proposed boundary changes, proposals for site removal or policy omissions.</p>	<p>NO ACTION - definitions of <i>site allocation policy</i> and <i>site allocation representation</i> are at Reg2 and refer to sites and by implication includes boundaries to sites - any clarification could be in guidance</p>	
2				
4				

Regulation 21 – Representations on a site allocation representation

R ef	ISSUE	SUMMARY OF RESPONSE	RECOMMEN DED ACTION FOR LDP REGS	Consider for Policy /Guidance
1	Start of 6 week consultatio n period (1)	Regulations 16, 18 & 21 state consultation period would start on the day on which the LPA complies with Reg 15 (a), 17 (a) and 20 (2) respectively. Inconsistencies between these Regs as to the start date of the	ACTION – as at Reg 16	

		consultation period. Reg 15 (a) & 16 indicates this date is that on which the LPA makes hard copies available for inspection; the other Regs give this date as compliance with website publication, postal delivery and advertisement in addition. Everyone should have full 6-week period. For consultees identified under Reg 14 (a) & (b) the 6-week consultation period should begin from the date of <u>receipt</u> of the documents. For the rest it should begin from <u>either</u> the date the authority makes the hard copies available at its offices, etc. <u>or</u> on its website – whichever is last completed.		
1 3	Alternative sites	The role of alternative sites stage following deposit is unclear – assuming this is Reg 21. It may help if this stage had a formal name.	NO ACTION - any clarification could be in guidance	+
2 7	Prematurity	How is “prematurity” interpreted in relation to the requirement to advertise sites and alternative representations?	NO ACTION - any clarification could be in guidance	+
1 0	General	Is a sentence missing from the end of the section?	ACTION – drafting error noted - amend	

Regulation 22 – Submission of LDP to the National Assembly

R ef	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
3, 9	Report (2)(c), (3), (4)	Clarification is sought on whether it is intended that the LPA send a copy of the report at (2)(c)(vi) detailing all recommendations on all representations, and 2 copies of the documents at (4), given the amount of paperwork this is likely to entail.	ACTION – amend Reg 22 (4) to require <u>one</u> copy of documents referred to in Para <u>(2)(d)</u> to be sent in paper form; other requirements remain as in draft Reg; - any clarification could be in guidance.	+

3, 9	General	(2)(c)(i) - should reference to Reg 20 in fact be to Reg 21.	NO ACTION - no error	
5		(5) - Where is section 64 (1)? Same comment for other references here to 64 (7) etc.	NO ACTION - sections of the 2004 Act	
5, 9, 2, 9		(3) - There are no sub sections to para 1, reference should read para 2; also at (3)(b) and (4)	ACTION – drafting error noted – amend	+
1, 3		(1) - What is meant by ‘considered’?	NO ACTION - any clarification could be in guidance	+
2, 3		(5)(e) - There needs to be a system in place to enable LPA to identify interested people and to make those people who might have an interest let the LPA know they wish to be informed.	NO ACTION - (a matter for the LPA) any clarification could be in guidance	

Regulation 23 – Independent examination

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
18	Soundness	Supporting the change to confine matters to be discussed at an examination to the ‘test of soundness’. Consultees will have had ample opportunity to provide detailed submissions upon individual issues during course of the plan-making process and do not need to repeat them before an inspector. Promised guidance from the Planning Inspectorate will be useful.	NO ACTION - (support noted)	
18	General	Paragraph (1) is missing Assume that guidance upon the subject of withdrawal of representations will be included in the proposed LDP manual.	ACTION – drafting error noted – amend NO ACTION - any clarification could be in guidance	+

Regulation 24 – Publication of the recommendations of the person appointed

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
10223	<p>Challenge</p> <p>Recommendations (2)</p> <p>Notification (2)(c)</p>	<p>Section could include the requirement for LPAs to publish a statement of the right of those concerned to challenge the recommendations</p> <p>Clarification on why inspectors report is a 'recommendation' when report is binding.</p> <p>There needs to be a system in place to enable LPA to identify interested people and to make those people who might have an interest let the LPA know they wish to be informed.</p>	<p>NO ACTION – binding report is a key aspect of LDP system</p> <p>NO ACTION – consistent with 2004 Act s64(7) & s67</p> <p>NO ACTION - (a matter for the LPA) any clarification could be in guidance</p>	+

Regulation 25 – Adoption of an LDP

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
391531	8 week adoption (1)	8 weeks period is considered impracticable because of, e.g. the timing of local authority committee cycles / need for Council resolution.	ACTION – amend Reg 25 (1) to add “ <i>unless otherwise agreed with the National Assembly</i> ”	
5	Adoption statement (2)	Following adoption, does LPA have to advertise and Notify the fact within a specified period? Seems that the only time specified here (page 35) relates to High Court application.	ACTION – amend Reg 25 (2) to start “ <i>when the LPA adopts on LDP at the same time it must, (a)...</i> ” N.B. error	

			at page 35 of consultation document – period re High Court Challenge is within 6 weeks of adoption (s.113 of 2004 Act)	
9	Post High Court Challenge	Clarification sought on the procedures following a high court challenge to a LDP. Who is responsible for defending such a challenge? Would the NAW be responsible as well if it related to changes undertaken by the NAW as part of its powers of direction	NO ACTION – any clarification could be in guidance	+
9	Assembly Gvt action	Unclear whether within the 8 weeks period of the LPA receiving the Inspector’s recommendations and prior to adoption of the LDP there will be a period of consultation and consideration by the Ass Gvt of these recommendations. Unclear as to how and when Ass Gvt shall use powers of intervention.	NO ACTION - (Act requires submission of LDP to NAW for independent examination; PINS will send WAG a copy of the Inspector’s Report when it is sent to LPA) - any clarification could be in guidance	+
10	LPA disagrees	Regulation should clarify the position where the LPA does not agree with the recommendations.	NO ACTION - (guidance will clarify that PINS will send LPA an advance copy of the Inspector’s Report for	+

			a factual check) - any clarification could be in guidance	
10	Env impact / SA	Clarification of the position where recommendations are made which could have environmental impact. How will the requirements for sustainability appraisal of the plan, etc. apply in such circumstances.	NO ACTION - Insp should not make recommendations that make the LDP unsound - any clarification could be in guidance	+
23	Notification (2)(c)	There needs to be a system in place to enable LPA to identify interested people and to make those people who might have an interest let the LPA know they wish to be informed.	NO ACTION - (a matter for the LPA) any clarification could be in guidance	+
2282429	Binding Inspector's report	<p>Binding Inspectors reports supported.</p> <p>The Inspector's report binding on the LPA would appear to be at odds with the underlying principles of local democracy.</p> <p>It is considered vital that it should be possible for the Inspector's Report to be amended in cases where the proposals in the report are not feasible.</p> <p>Need for a mechanism to amend inspector's report should its contents prove 'infeasible'. Council supportive of the principle of removing the post modifications stage.</p>	<p>NO ACTION – (support noted)</p> <p>NO ACTION – requirement of s67 of 2004 Act; guidance will clarify that PINS will send the LPA an advance copy of the Inspector's Report for a factual check; there is no challenge procedure</p>	<p>+</p> <p>+</p> <p>+</p>

			in statute, but the Inspector's Report can be challenged in High Court by an LPA - any clarification could be in guidance	
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Regulation 26 – Withdrawal of an LDP - No comments

PART 5 – INTERVENTION BY THE NATIONAL ASSEMBLY

Regulation 27 – Documents to be supplied to the National Assembly - No comments

Regulation 28 – Direction not to adopt an LDP

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
9		Unclear under what circumstances NAW shall use powers of direction. As Inspector's report is binding it should satisfy all requirements of the NAW.	NO ACTION - any clarification could be in guidance	+

Regulation 29 – Direction to modify an LDP – No comments

Regulation 30 – Section 65(4) directions (call-in)

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
10	(2)(b)(iii) & (3)	Sentences are difficult to follow and could be simplified by referring to relevant paras in 2(b)(iii)	NO ACTION – drafting is acceptable	+
18	(3)	Phrase 'subject to any necessary modifications' needs clarification - also used in Reg 35.	NO ACTION – drafting is correct - any clarification could be in guidance	
1	(3)	If 'para (l) thereof' relates to 'Reg 26' this is a drafting mistake in that there is a single para in this reg.		

8			ACTION – drafting error noted – amend reference to Reg 24 not Reg 26	
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Regulation 31 – Changes proposed by the National Assembly to an LDP (call-in)

R ef	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
5		Seems that NAW can divert from the Inspector' s recommendations, but LPA cannot. It appears that LPA is responsible for the administration of representations in response to call-in procedure. See 31 (3) (b) - Unclear if representations are to be sent directly to the NAW. If LPA wishes to challenge the NAW' s proposed change it seems it must undertake admin matters on behalf the NAW and make in effect a challenge to its own plan.	NO ACTION - yes ACTION – amend 31(3)(b) to require reps to be sent direct to the NAW	+
8, 9		Concerned that Ass Gvt can override Insp Report – at odds with democratic principles of development plan system & purpose of independent examination; reserve power should not become normal action. Guidance is required on how and when the reserve powers of the NAW to override Inspector' s decisions should be exercised to prescribe and restrict the circumstances in which this would be appropriate.	NO ACTION - any clarification could be in guidance	
9		Unclear as to whether the NAW shall intervene prior to or after a LPA has adopted its LDP. For Reg 25 (1) & 2 (e): Regulations as currently structured & worded are confusing as they don' t provide a clear context within which the regulations will operate in respect of consultation with the WAG prior to the adoption of an LDP.	- NAW intervention must be prior to adoption	
1 6		Is it intended that NAW should have a right to intervene and call-in a LDP after the examination report has been published? If that's the case it will mean the persons disappointed with the outcome of the examination could well resort to lobbying the NAW in order to secure changes to the LDP by the back door.	- NAW will have right to intervene up to adoption & will receive a copy of the Inspector's Report from PINS	
3 1				

	<p>Concern relating to the absence of democratic control in the latter part of the plan making process, need for appeal mechanism to allow for intervention before adoption. Have previously proposed that the final decision making process should be at local level, failing that a 'Development Plan Panel' of AMs to arbitrate on appeals against recommendations (see paras 4.36 and 4.37, Report to Council, August 2004). Explicit appeal mechanism for LPAs and 3rd parties to request Assembly call-in in limited circumstances (e.g. where misinterpretations of data or changes in circumstances have significant effects on the plan policies).</p>	<p>NO ACTION – the 2004 Act specifies the requirements; any deviation would be unlawful. There cannot be any appeal system prior to adoption.</p>	
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Regulation 32 – Representation on proposed changes (call-in) - No comments

Regulation 33 – Publication of the recommendations of the person appointed to carry out the independent examination (call-in) - No comments

Regulation 34 – National Assembly’s decision after section 65(4) direction (call-in) - No comments

Regulation 35 – National Assembly’s default power

R ef .	ISSUE	SUMMARY OF RESPONSE	RECOMME NDED ACTION FOR LDP REGS	Consider for Policy /Guidance
2 3		<p>There are no incentives or penalties to ensure that LPA delivers on time. Option for the Ass Gvt to take over appears to be a step too far as this has not been used to date when the Ass Gvt advice to adopt plans within 5 years was ignored. Smaller (lesser) measures need to be introduced to ensure that LPA adhere to 4-year requirement such as use of planning delivery grant.</p>	<p>NO ACTION - any clarification could be in guidance</p>	+
2 6		<p>Clarification of default powers of Ass Gvt where an LPA fails to deliver LDP to prescribed timescales. Whilst powers would be discretionary and exceptional it’s hoped that detailed monitoring will enable the Ass Gvt to take action when required.</p>	<p>NO ACTION - any clarification could be in guidance</p>	

PART 6 – JOINT LOCAL DEVELOPMENT PLAN

Regulation 36 – Joint LDP; corresponding plans – No comments

PART 7 – ANNUAL MONITORING REPORT

Regulation 37 – Annual Monitoring Report

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
3, 1, 2, 3 9 7 7 0	Timing of AMR (1)	<p>Clarification is sought if ‘the next date’ refers to the 30 June of the following year.</p> <p>With regard to the requirement to incorporate HLA information within the report, further consideration may be needed in relation to timing, particularly for those rural authorities that have a 2 year HLA regime and may be part way through preparation at the time of preparation of the report.</p> <p>Consideration should be given to selecting an annual date for submission / publication of annual monitoring reports that ensures they can incorporate HLA.</p> <p>LGF Division of Welsh Assembly are consulting on new WPI guidance on changing the date for submission of Improvement Plans to 31 October to fit in with finance cycles etc. Do regs need to specify a date or could it be subject to later guidance?</p>	ACTION – amend to remove date and instead require publication and submission “on or before the date specified in guidance made under s75”	+
5	Market dwellings (4)(b)	It may be that LPA’s strategy does not allow for general market dwellings, and that this figure is zero. If the potential for this does not comply with the Regulations, the regulations must be amended.	ACTION – amend Reg 4 to say, ‘the number (if any)..’	
1, 2, 2, 3 3 2 2 3	General	<p>(2) & (3)(a) -This is unclear. What is meant by ‘Not implementing the policy’ ?</p> <p>Enhanced requirements in respect of monitoring supported.</p> <p>Support requirements for annual monitoring report. However, WAG must be prepared to reciprocate and offer advice and guidance to the LPAs on any further work that it sees as necessary. HBF would like to see a system put in place where consultation bodies, both general and specific, could comment on the reports.</p> <p>Do not envisage problems with requirement to report on affordable housing and market dwellings, and HLA</p>	<p>ACTION – amend as it is not just the LPA implementing policies</p> <p>NO ACTION – (support noted) - any clarification could be in guidance</p>	+
3 0				

	requirements	NO ACTION – (support noted)	
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PART 8 – AVAILABILITY OF DOCUMENTS

Regulation 38 – Availability of documents for inspection: general; & Regulation 39 – Availability of adopted or approved LDP

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
91622		<p>Despite the reference to Welsh culture, regulations contain no guidance, or requirements of bi-lingual LDPs and associated documents. Clarification is required on this matter.</p> <p>Reg refers to publications on ‘a’ website; if intended to mean that LPA should publish the document on its website it should be clear; same language should be used throughout the Regulations to avoid any doubt.</p> <p>Oppose the lack of reference for need for all documents associated with plan formulation to be placed on lpa websites and available at a reasonable price.</p>	<p>NO ACTION – for LPA’s Welsh Language policy</p> <p>ACTION – amend to clarify that it is the LPA website</p> <p>NO ACTION – Reg 40 (2)(b) states ‘reasonable charge’ - any clarification could be in guidance</p>	+

Regulation 40 – Copies of documents – No comments

PART 9 – REVIEW OF LOCAL DEVELOPMENT PLAN

Regulation 41 – Review of LDP

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
4,15,31	4 year review	Unclear whether this requirement means the review should be initiated / completed within the 4 years period? Prefer deferring the review until effectiveness of LDP is assessed.	ACTION – amend to clarify that review be commenced	+

1 5		The indicative timescale of 4 years for preparing LDP does not appear to be included in the draft regulations although they require a review. Timescale is overly optimistic and makes no allowance for delays at any stage.	within 4 years NO ACTION – requirement will be in LDPW not Regs; review of timetable under Reg 9(5).	
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C. GENERAL COMMENTS

Ref.	ISSUE	SUMMARY OF RESPONSE	RECOMMENDED ACTION FOR LDP REGS	Consider for Policy /Guidance
5	PINS matters / Inspector's report	Little advice on the role and remit of the Inspector. Where can this advice be found? Is such advice to appear in the LDP manual?	NO ACTION – any clarification could be in guidance	+
24, 29, 31	Weight of emerging LDP	Clarification sought on the weight to be attached to an emerging LDP as the test to be applied in examination of the plan is 'soundness' which is neither measured or measurable in the preparation process.	NO ACTION – any clarification could be in guidance and PPW	+
27 22 3, 9	Pre-Examination Changes Stage	<p>Consideration to be given to integrating Suggested (PreInquiry) changes in to Regs to make this a fully accountable and transparent part of LDP preparation.</p> <p>Supportive of a formal proposed changes stage in LDP process as it complies with the aim of encouraging public participation and enables objectors and LPA to negotiate solutions etc. Not clear whether there will be a 'proposed changes' stage and where this might occur.</p> <p>Is there still a requirement for LPAs to publish a 'Pre Inquiry Changes' document?</p>	NO ACTION – no formal PECS stage in Regs – informal PECS stage only - any clarification could be in guidance	+
6 15 15	4 year plan preparation	<p>Concern over the realism of the proposed preparation timetable of 4 years due to SA and community involvement requirements.</p> <p>Indicative timescale of 4 years for the preparation process not in draft Regs.</p> <p>Timescale regarded as optimistic, may be achievable no allowance made for delays. Concerned with the potential problems of capacity constraint in terms of being able to achieve anticipated timescales for delivery.</p>	NO ACTION - 4-year timescale not in Regs - any clarification could be in guidance; timetable revisions covered by Reg 9	+
22	Supplementary Planning Guidance	Oppose the lack of a requirement that SPG must be produced at the same time as LDP and that both should be considered at the examination by the inspector or that SPG should be reviewed regularly and frequently to reflect modern planning thought	NO ACTION – any clarification could be in guidance	+
5	Further guidance	Essential that draft regulations and explanatory notes are not agreed until a better understanding of the process can be gleaned from the LDP Manual and LDP Wales	NO ACTION – work on finalising	+

10		The regulations are extremely technical in detail and are designed for LPAs and those engaged in plan making. A more accessible guide would therefore help to engage stakeholders and the wider community in plan-making in their area.	LDPW and preparing the LDP Manual is ongoing; this consultation informs both NO ACTION – any clarification could be in guidance (manual and leaflet are proposed)	+
10	General - support	Support WAG in employing a stakeholder group to assist in the development of and consultation on the new LDP system in Wales, and this approach – together with the many consultation events held throughout Wales to-date – is to be commended.	NO ACTION – (support noted)	
18		The comprehensive interpretation section appreciated. (Addition of page numbers to index would be useful)		
18		Regs drafted with as much clarity as possible for complex document of this type		
22		Note an increased emphasis on the role of <u>SEA and SA</u> in ensuring that LDPs contribute to sustainable development, pursuant to section 121 of the Government of Wales Act 1998		
28		We welcome the general thrust of the proposals.		
17	General – concern/posed	Regulations should recognise the particular relationship <u>NPA</u> s have with <u>Community Strategies</u> established elsewhere	NO ACTION – any clarification could be in guidance	+
22		The Regs should address the review and the development of <u>evidence basis</u> stages.LPA to negotiate solutions to problems, by providing a means through which the LPA can present these, both to the public and to the Inspector.	NO ACTION – any clarification could be in guidance - (requirement is at s61 of 2004 Act)	+
22		Oppose the presumption against <u>repeating national policies</u> .		
23			NO ACTION – the AssGvt will consider whether there is a	+

24		Concern that the clear message for <u>shorter more concise plans</u> seems to have fallen by the wayside. Nothing in Regs suggests LPAs will be preparing shorter and more concise plans. Nothing about the need for a clear vision of how and where the area is to be developed.	need to clarify which national planning policies need to be reiterated in LDPs and which policies can stand alone	+
24		Concern that guidance places an over <u>emphasis on processes</u> involved in producing the LDP <u>rather than the content</u>	NO ACTION – any clarification could be in guidance	+
26		Terminology used in some parts is confusing and potentially misleading.	NO ACTION – any clarification could be in guidance	
		Effectiveness of additional <u>funding</u> made to LPAs (PdW Resources grant) by the Welsh Assembly will require monitoring.	NO ACTION – any clarification could be in guidance	
29			ACTION – some changes proposed – any clarification could be in guidance	
		Requirements to <u>'make copies available'</u> at key stages (Regs 14, 15, 17, 19 20 and 21) has the potential to create huge administrative overheads.	NO ACTION - AssGvt are preparing to procure external contractors to undertake an evaluation of the PdW Programme (including the use of the PdW Resources Grant) for Year 2, building on the Year 1	

			<p>self-assessment work by LPAs, and this will continue to cover Year 3, i.e. to 31 March'06</p> <p>NO ACTION – requirement is in interests of community and stakeholder engagement in the process, and of transparency</p>	
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3. GENERAL INFORMATION ON RESPONSES

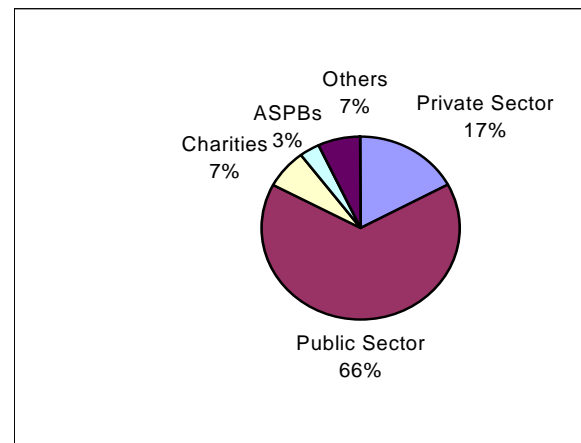
1.) Responses

A total of **29 responses** were received (see list on next page below).

The respondents were assigned to one of five groups. All respondents responded by mail or e-mail giving general comments and commenting on specific matters or matters of interest to their organisation.

<u>Assigned Group</u>	<u>Nos. received</u>	<u>%</u>
ASPB	1	3
Charities	2	7
Other	2	7
Private Sector	5	17
Public Sector	19	66
Total	29	100

Table 1: Respondents (in %) assigned to



List of the respondents by reference numbers and grouping

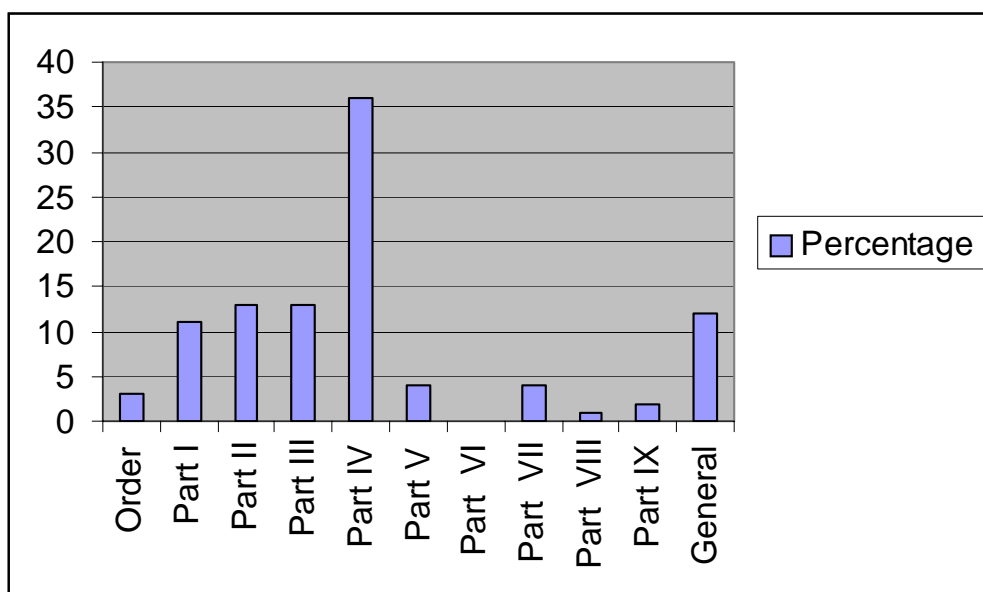
Ref.	Group	Name
1	-	N / A
2	-	N / A
3	Publ.	<u>Powys CC</u>
4	Publ.	Conwy CBC
5	Publ.	Pembrokeshire NPA
6	Publ.	Wrexham CBC
7	Publ.	Carmarthenshire CC
8	Publ.	Newport CBC
9	Publ.	Vale of Glamorgan CBC
10	Priv.	<u>RTPI</u> Royal Town Planning Institute
11	Publ.	<u>British Waterways</u>
12	Publ.	Isle of Anglesey CC
13	Publ.	Dengbighshire CC
14	Priv.	Welsh Water (DWR CYMRU)
15	Publ.	<u>Merthyr Tydfil CBC</u>
16	Priv.	The Law Society
17	Publ.	Snowdonia NPA
18	Publ.	Campaign for the Protection of Rural Wales N&V
19	Char.	<u>Friends of the Earth</u>

Ref.	Group	Name
20	Publ.	<u>Brecon Beacons NPA</u>
21	ASPB	<u>Welsh Language Board</u>
22	Char.	<u>RSPB Cymru</u> The Royal Society for the Protection of Birds
23	Priv.	<u>Home Builders Federation</u>
24	Publ.	<u>Cardiff CC</u>
25	Other	AGI Cymru Association Geographic Information Wales
26	Priv.	<u>RICS Wales</u> Royal Institution of Chartered Surveyors
27	Publ.	<u>Neath Port Talbot CBC</u>
28	Other	<u>Gwynedd Archaeological Trust</u>
29	Publ.	<u>Flintshire CC</u>
30	Publ.	<u>WLGA</u> Welsh Local Government Association
31	Publ.	<u>Caerphilly CBC</u>

2.) Comments on the Order and the Draft LDP-Regulations

Over 200 comments were made on the document as a whole. The most commented upon section of the Draft LDP-Regulations was **Part IV** (LDP Procedure) with 36 %. Within this the most commented upon regulations were **Regulation 14** (Pre-deposit consultation), **Regulation 15** (Pre-deposit public participation) and **Regulation 16** (Public Participation Representations). There were very few comments on **Part VII** (Annual Monitoring Report) or **Part VIII** (Availability of documents). **Part VI** (Joint Local Development Plan) was not commented on at all.

Table 2: Number of Comments on the Order and Draft LDP-Regulations (in %)



Order
Part I General
Part II Preliminary
Part III Form & content of
Part IV LDP-Procedure
Part V Intervention by the
Part VI Joint LDP
Part VII Annual Monitoring
Part VIII Availability of doc
Part IX Review of LDP
General

Comments in the summary	Part I	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	General
228	26	30	29	82	10	0	10	3	4	27
(%) 100	11	13	13	36	4	0	4	1	2	12

3.) Subject of the comments on the Draft LDP-Regulations & Number of recommended actions following analysis

= More than 10 comments

Part I General

Regulation	1	2	3	4
Comments	-	23	-	3
Rec. Actions	-	4	-	-

Reg 1 Title, commencement and application

Reg 2 Interpretation

Reg 3 Scope of regulations

Reg 4 Electronic communications

Part II Preliminary

Regulation	5	6	7	8	9	10
Comments	7	5	7	10	1	-
Rec. Actions	-	-	-	2	-	-

Reg 5 Community Involvement Scheme Preparation

- Reg 6 Content of Community Involvement Scheme
 Reg 7 Timetable Preparation
 Reg 8 Content of Timetable
 Reg 9 [Delivery Agreement](#)
 Reg 10 Availability of Delivery Agreement

Part III Form and Content of LDP

Regulation	11	12	13
Comments	5	6	18
Rec. Actions	-	-	3

Reg 11 Form and Content of LDP

Reg 12 Proposals Map

Reg 13 [LDP: additional matters to which regard to be had](#)

Part IV LDP Procedure

Regulation	14	15	16	17	18	19	20	21	22	23	24	25	26
Comments	24	7	3	4	3	6	5	10	3	3	14	-	
Rec. Actions	2	1	1	1	2	1	2	2	1	-	2	-	

Reg 14 [Pre-Deposit Consultation](#)

Reg 15 [Pre-deposit participation](#)

Reg 16 Public Participation Representation

Reg 17 Deposit of proposals

Reg 18 Representations on deposit proposals of LDPs

Reg 19 Handling of representations: deposit

Reg 20 Handling of representations: site allocation representations

Reg 21 Representation on a site allocation representation

Reg 22 [Submission of LDP to the National Assembly](#)

Reg 23 Independent examination

Reg 24 Publication of the recommendations of the person appointed

Reg 25 [Adoption of an LDP](#)

Reg 26 Withdrawal of an LDP

Part V Intervention by the National Assembly

Regulation	27	28	29	30	31	32	33	34	35
Comments	-	1	-	3	6	-	-	-	2
Rec. Actions	-	-	-	1	1	-	-	-	-

Reg 27 Documents to be supplied to the National Assembly

Reg 28 Direction not to adopt an LDP

Reg 29 Direction to modify and LDP

Reg 30 Section 65(4) directions (call-in)

Reg 31 Changes proposed by the National Assembly to an LDP (call-in)

Reg 32 Representation on proposed changes (call-in)

Reg 33 Publication of the recommendations of the person appointed to carry out the independent examination (call-in)

Reg 34 National Assembly's decision after section 65(4) (call-in)

Reg 35 National Assembly's default power

Part VI Joint Local Development Plan

Reg 36 Joint local development plan: corresponding plans **NO COMMENTS**

Part VII Annual Monitoring Report

Regulation	37
Comments	10
Rec. Actions	3

Reg 37 [Annual Monitoring Report](#)

Part VIII Availability of Documents

Regulation	38	39	40
Comments	3		-
Rec. Actions	1		-

Reg 38 Availability of plan: general

Reg 39 Availability of adopted or approved local development plan

Reg 40 Copies of documents

Part IX Review of Local Development Plan

Regulation	41
Comments	4
Rec. Actions	1

Reg 41 Review of Local Development Plan

General Comments

Issue	A	B	C	D	E	F	G	H
Comments	1	3	4	3	1	2	5	8
Rec. Actions	-	-	-	-	-	-	-	1

- Issue A** PINS matters / Inspector' s report
- Issue B** Weight of emerging LDP
- Issue C** Pre-Examination Changes Stage
- Issue D** 4 year plan preparation
- Issue E** Supplementary Planning Guidance
- Issue F** Further Guidance
- Issue G** General-support
- Issue H** General- concern/opposed

4.) Number of recommended Actions

Following analysis of responses the most recommended ACTIONS relate to Part IV (LDP-Procedure).

Part	I				II					III			IV											V							VI	VII						
Reg	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	
Action		4						2					3	2		1	1	1	2	1	2	2	1		2					1	1							3
Action / Part	4				2					3			15											2							0	3						

- Part I** General
- Part II** Preliminary
- Part III** Form & content of LDP
- Part IV** LDP-Procedure
- Part V** Intervention by the National Assembly
- Part VI** Joint LDP
- Part VII** Annual Monitoring Report
- Part VIII** Availability of documents
- Part IX** Review of LDP

ANNEX C

Changes to the Draft LDP Regulations as a Consequence of the 2005 Consultation:

A number of minor changes were made in relation to points of clarification and precision.

Most notable changes are:

- **Reg 9(1)(b) Delivery Agreement & Reg 37 (1) Annual Monitoring Report** - removal of some specified dates / timescales from the draft Regs, with requirement that compliance on these matters be with guidance made under s.75 of the PCPA'04 (pages 12 & 34)
- **Reg 13 additional matters to which regard to be had** – include local housing strategies and regional waste plans (page 16)
- **Reg 14 & 15** have been renamed to pre-deposit participation (Reg14) & pre-deposit public consultation (Reg15) (page 17)
- **Reg 19(2)(b) & Reg 21(2)(b) publication of deposit & site allocation representations on web-site** – amended to require, where practicable the publication on web-site of details of all representations received together with a statement of how they can be inspected (instead of publication of reps on website) (page 23)
- **Reg 25(1) adoption** – 8 week period retained ‘unless otherwise agreed with the National Assembly’ (page 27)
