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W E L S H S T A T U T O R Y  
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**2021 No. 360 (W. 109)**

**TOWN AND COUNTRY  
PLANNING, WALES**

**The Town and Country Planning  
(Strategic Development Plan)  
(Wales) Regulations 2021**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 60M(1) of the Planning and Compulsory Purchase Act 2004 requires a corporate joint committee, to which Part 6 of that Act applies by virtue of regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, to prepare a strategic development plan (“SDP”) for its area.

These Regulations make provision for the preparation and revision of an SDP and associated matters.

Part 1 deals with general matters, including the application of these Regulations, the interpretation of various expressions and the use of electronic communications.

Part 2 deals with the preparation and revision of an SDP, and makes provision in respect of matters including the—

- provision of documentation and the identification of consultation bodies (Chapter 1),
- delivery agreement (Chapter 2),
- form and content of an SDP and associated matters (Chapter 3),
- pre-deposit procedure, which involves the formulation of proposals in respect of an SDP and consultation and engagement in respect of those proposals (Chapter 4),
- deposit procedure, in accordance with which the corporate joint committee must deposit its proposals for an SDP for the purpose of further consultation (Chapter 5),

- independent examination of the SDP by a person appointed by the Welsh Ministers (Chapter 6),
- Welsh Ministers' powers of intervention (Chapter 7),
- withdrawal of an SDP (Chapter 8), and
- adoption of an SDP by the corporate joint committee and approval by the Welsh Ministers (Chapter 9).

Part 3 deals with the steps that must be taken following revocation of an SDP.

Part 4 makes provision for the review of an SDP every six years.

Part 5 deals with the content and publication of an annual monitoring report.

Part 6 provides for requirements as to the availability of documents.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.

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**TOWN AND COUNTRY  
PLANNING, WALES**

The Town and Country Planning  
(Strategic Development Plan)  
(Wales) Regulations 2021

*Made* 18 March 2021

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The Welsh Ministers, in exercise of the powers conferred upon them by sections 60M(5) and (6)(f), 66A(6)(b), (8) and (9), 69(1)(b) and (3), 76(2) and (3) and 122(3) of the Planning and Compulsory Purchase Act 2004(1) and in exercise of the powers conferred on the National Assembly for Wales by sections 63(3)(a) and (7), 64(3) and 77(1) of that Act, now exercisable by them (as applied in the case of sections 63(3)(a) and (7), 64(3), 66A(6)(b), (8) and (9), 69(1)(b) and (3), 76(2) and (3), 77(1) and 122(3) by section 60N of that Act), make the following Regulations.

## PART 1

### General

#### **Title, commencement and application**

**1.**—(1) The title of these Regulations is the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 and they come into force on 28 February 2022.

(2) These Regulations apply in relation to Wales.

(3) These Regulations apply in relation to the revision of an SDP under section 70(1) of the 2004 Act as they do in relation to the preparation of an SDP under section 60M(1) of that Act.

#### **Interpretation**

**2.**—(1) In these Regulations—

“1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990(2);

“2004 Act” (“*Deddf 2004*”) means the Planning and Compulsory Purchase Act 2004;

“2021 Act” (“*Deddf 2021*”) means the Local Government and Elections (Wales) Act 2021(3);

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(1) 2004 c. 5. As to the power to prescribe by regulations, see section 122(1) and (2). “Welsh Ministers” was substituted for “National Assembly for Wales” in section 122(1)(b) by section 55(2) of, and paragraph 1(2) of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4) (“the 2015 Act”). The functions of the National Assembly for Wales in sections 63, 64, 69, 76, 77 and 122 of the 2004 Act were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2). Sections 60M and 60N were inserted by section 88 of, and paragraph 4 of Schedule 9 to, the 2021 Act. Section 66A was inserted by section 13 of the 2015 Act. Section 68A was inserted by section 8(1) of the 2015 Act. Section 69(1) was amended by section 8(2) of the 2015 Act.

(2) 1990 c. 8.

(3) 2021 asc 1.

“address” (*“cyfeiriad”*) in relation to electronic communications, means any number or address used for the purposes of such communications;

“annual monitoring report” (*“adroddiad monitro blynyddol”*) means the annual report required by section 76(1) of the 2004 Act;

“appointed person” (*“person a benodwyd”*) means a person appointed by the Welsh Ministers under section 64(4) of the 2004 Act;

“building” (*“adeilad”*) includes any structure or erection (including any extension, alteration or re-erection), and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

“candidate strategic locations and sites register” (*“cofrestr y lleoliadau a’r safleoedd strategol ymgeisiol”*) has the meaning given in regulation 16(1)(d);

“CJC” (*“CBC”*) means the corporate joint committee, within the meaning of section 74 of the 2021 Act, and to which Part 6 of the 2004 Act applies by virtue of regulations made under Part 5 of the 2021 Act, which is preparing an SDP;

“community involvement scheme” (*“cynllun cynnwys cymunedau”*) has the meaning given in section 63(2) of the 2004 Act;

“delivery agreement” (*“cytundeb cyflawni”*) means the agreement consisting of those items described in regulation 11(1);

“development” (*“datblygu”*) has the meaning given in section 55(1) of the 1990 Act<sup>(1)</sup>;

“electronic communication” (*“cyfathrebiad electronig”*) has the meaning given by section 15(1) of the Electronic Communications Act 2000<sup>(2)</sup>;

“general consultation bodies” (*“cyrff ymgynghori cyffredinol”*) has the meaning given in regulation 5;

“initial consultation report” (*“adroddiad ymgynghori cychwynnol”*) has the meaning given by regulation 20(a);

“inspection” (*“arolygu”*) means inspection by the public;

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- (1) Section 55 was amended by sections 13(1) and (2) and 14 of the Planning and Compensation Act 1991 (c. 34), and paragraph 9 of Schedule 6 to, and Parts 1 and 2 of Schedule 19 to that Act; and by sections 118(1) and 120 of the 2004 Act, and paragraphs 1 and 2 of Schedule 6, and Schedule 9 to, that Act. There are other amendments to section 55 not relevant to this instrument.
- (2) 2000 c. 7; section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).

“land” (“*tir*”) means any corporeal hereditament and includes a building;

“LPA” (“*ACL*”) means a local planning authority as construed in accordance with Part 1 of the 1990 Act;

“pre-deposit proposals documents” (“*dogfennau cynigion cyn adneuo*”) has the meaning given by regulation 17;

“review report” (“*adroddiad adolygu*”) means the report required by section 69(2) of the 2004 Act following the carrying out of a review under section 69(1) of that Act;

“SDP” (“*CDS*”) means a strategic development plan as provided for in section 60M of the 2004 Act;

“SDP procedure” (“*gweithdrefn yr CDS*”) means the procedure provided for in Part 6 of the 2004 Act and these Regulations;

“SDP proposals documents” (“*dogfennau cynigion yr CDS*”) has the meaning given by regulation 20(b);

“specific consultation bodies” (“*cyrff ymgynghori penodol*”) has the meaning given in regulation 6;

“statement of deposit matters” (“*datganiad o faterion adneuo*”) has the meaning given by regulation 20(c);

“statement of pre-deposit matters” (“*datganiad o faterion cyn-adneuo*”) has the meaning given by regulation 18(1);

“sustainability appraisal report” (“*adroddiad arfarnu cynaliadwyedd*”) means the report referred to in section 60M(7)(b) of the 2004 Act, together with any environmental report required under the provisions of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004(1);

“timetable” (“*amserlen*”) means the timetable referred to in section 63(1)(b) of the 2004 Act.

(2) In these Regulations, a reference to—

- (a) any provision of the 2004 Act, except to any provision in section 60M of that Act, is a reference to the provision in question as it applies by virtue of section 60N of that Act;
- (b) the CJC’s area is a reference to the area in relation to which the CJC exercises functions by virtue of regulations made under section 74 of the 2021 Act.

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(1) S.I. 2004/1656 (W. 170), amended by S.I. 2011/1043, S.I. 2013/755 (W. 90), S.I. 2018/1216 (W. 249) and S.I. 2019/245 (W. 60).

### **Electronic communications**

3.—(1) Paragraph (2) applies where—

- (a) a person is required to—
  - (i) send a document, a copy of a document or any notice to another person, or
  - (ii) notify another person of any matter, and
- (b) that other person has provided an address for the purposes of electronic communications.

(2) Where this paragraph applies, the document, copy, notice or notification may be sent or made by way of electronic communication.

(3) Where a person may give a response or make representations on any matter or document, those responses or representations may be given or made by way of electronic communication.

(4) Where—

- (a) an electronic communication is used under paragraph (2) or (3), and
- (b) the communication is received by the recipient outside that person's normal office hours,

it is taken to have been received on the next working day.

## **PART 2**

### **SDP Procedure: preparation**

#### **Chapter 1**

##### **General and preliminary**

### **Documents to be supplied to the Welsh Ministers**

4. The CJC must supply the Welsh Ministers with a copy of every notice and statement published by the CJC in accordance with these Regulations as soon as practicable after the notice or statement in question is first published, together with a copy of every document made available for inspection in accordance with these Regulations.

### **General consultation bodies**

5. In these Regulations, “general consultation bodies” means—

- (a) voluntary bodies, some or all of whose activities benefit any part of the CJC's area,
- (b) bodies which represent the interests of different racial, ethnic or national groups in any part of the CJC's area,

- (c) bodies which represent the interests of different religious groups in any part of the CJC's area,
- (d) bodies which represent the interests of disabled persons, within the meaning of section 6 of the Equality Act 2010<sup>(1)</sup>, in any part of the CJC's area,
- (e) bodies which represent the interests of persons carrying on business in any part of the CJC's area, and
- (f) bodies which represent the interests of Welsh culture in any part of the CJC's area.

### Specific consultation bodies

6. In these Regulations, "specific consultation bodies" means—

- (a) Natural Resources Wales;
- (b) the Welsh Ministers;
- (c) any LPA in Wales whose area, or any part of its area, is in or adjoins the CJC's area;
- (d) any community council in Wales whose area, or any part of its area, is in or adjoins the CJC's area;
- (e) any other corporate joint committee within the meaning of section 68 of the 2021 Act, that by virtue of regulations made under section 72 or 74 of the 2021 Act, exercises functions in relation to an area adjoining the CJC's area;
- (f) any person—
  - (i) to whom the electronic communications code, as defined in section 106(1) of the Communications Act 2003<sup>(2)</sup>, applies by virtue of a direction given under section 106(3)(a) of that Act, and
  - (ii) who owns or controls electronic communications apparatus, within the meaning of paragraph 5 of the electronic communications code, which is situated in any part of the CJC's area (where known);
- (g) if it exercises functions in any part of the CJC's area—
  - (i) a local health board established under, or whose establishment has effect as if under, section 11(1) of the National Health Service (Wales) Act 2006<sup>(3)</sup>;

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<sup>(1)</sup> 2010 c. 15.

<sup>(2)</sup> 2003 c. 21. Section 106(1) was amended by section 4(3) and (4) of the Digital Economy Act 2017 (c. 30).

<sup>(3)</sup> 2006 c. 42. See paragraph 1 in Part 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act

- (ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989<sup>(1)</sup>;
- (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986<sup>(2)</sup>;
- (iv) a sewerage undertaker appointed under section 6(1) of the Water Industry Act 1991<sup>(3)</sup>;
- (v) a water undertaker appointed under that section.

## Chapter 2

### Delivery agreement

#### **Community involvement scheme preparation**

7. The persons the CJC must engage in the preparation of a community involvement scheme are those general consultation bodies which appear to the CJC as having an interest in matters relating to development in the CJC's area.

#### **Content of community involvement scheme**

8. A community involvement scheme must include the following—

- (a) a list of all those general consultation bodies and specific consultation bodies to be involved in the exercise of the CJC's functions under Part 6 of the 2004 Act;
- (b) the principles of the policy to be adopted by the CJC for the purpose of seeking the involvement of general consultation bodies, specific consultation bodies and any person within section 63(3)(b) of the 2004 Act in the exercise of the CJC's functions under Part 6 of that Act;
- (c) details as to the timing of and the method by which—
  - (i) community involvement will be sought and at which planned stage of the SDP procedure, and

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2006 (c. 43) for relevant transitional and saving provision. See also S.I. 2003/148 (W. 18), S.I. 2009/778 (W. 66), S.I. 2013/2918 (W. 286) and S.I. 2019/349 (W 83).

- (1) 1989 c. 29. Section 6 as originally enacted was substituted by section 30 of the Utilities Act 2000 (c. 27), subsection (1)(b) was substituted by section 136(1) of the Energy Act 2004 (c. 20) and subsection (1)(c) was amended by section 197(9) of, and Part 1 of Schedule 23 to, that Act.
- (2) 1986 c. 44. There are amendments to section 7(2) which are not relevant to this instrument.
- (3) 1991 c. 56, to which there are amendments not relevant to this instrument.

- (ii) the CJC will respond to issues raised;
- (d) details of how the CJC will use responses and representations it receives, and at which planned stage, in developing the content of its SDP.

### **Timetable preparation**

9. The persons the CJC must consult in the preparation of the timetable are the specific consultation bodies.

### **Content of timetable**

10. The timetable must include all key dates, including—

- (a) a definitive date for each planned stage of the SDP procedure up to and including the stage requiring the submission of the SDP to the Welsh Ministers for independent examination under section 64(1) of the 2004 Act,
- (b) indicative dates for each planned stage of the SDP procedure, other than those falling within paragraph (a), up to and including the stage of adoption of the SDP under section 67(3) of that Act, and
- (c) those in respect of the preparation and publication of—
  - (i) the sustainability appraisal report, and
  - (ii) the annual monitoring report.

### **Delivery agreement**

11.—(1) A delivery agreement consists of the community involvement scheme prepared in accordance with regulation 8 and the timetable prepared in accordance with regulation 10.

(2) The delivery agreement must be approved by resolution of the CJC and then submitted to the Welsh Ministers for their agreement.

(3) The Welsh Ministers must respond within the period of four weeks beginning with the day on which they receive the delivery agreement.

(4) If the Welsh Ministers fail to respond within that period, the delivery agreement is deemed to have been agreed at the end of that period, but this is subject to paragraphs (5) and (6).

(5) The Welsh Ministers may notify the CJC in writing that they require up to a further 12 weeks, in addition to the time in paragraph (3), to consider the agreement.

(6) If the Welsh Ministers fail to respond within the period notified under paragraph (5), the delivery

agreement is deemed to have been agreed at the end of that period.

(7) The CJC must not take any steps under Chapter 4 until the Welsh Ministers agree the delivery agreement, or the delivery agreement is deemed to have been agreed.

(8) The CJC must keep the delivery agreement under regular review and any revision must be approved by resolution of the CJC and submitted to the Welsh Ministers for their agreement.

(9) Paragraphs (3) to (8) apply to any revision of the delivery agreement as they do to the preparation of the agreement.

(10) The CJC must, as soon as reasonably practicable after the delivery agreement or a revision to the delivery agreement is agreed or deemed to be agreed, notify—

- (a) the specific consultation bodies, and
- (b) such of the general consultation bodies as the CJC considers appropriate.

(11) The CJC need not comply with a particular requirement of its community involvement scheme if it has reasonable grounds to believe that non-compliance is unlikely to prejudice any person's opportunity to be involved in the exercise of the CJC's functions under Part 6 of the 2004 Act.

#### **Availability of delivery agreement**

**12.**—(1) Where a delivery agreement is agreed or deemed to have been agreed in accordance with regulation 11, the CJC must—

- (a) make a copy of the agreement available for inspection at its principal office during normal office hours, and
- (b) publish the agreement on its website.

(2) Where a revision to a delivery agreement is agreed or deemed to have been agreed in accordance with regulation 11(8), the CJC must comply with the requirements in paragraph (1) within the period of two weeks beginning with the date a revision to the delivery agreement is agreed or deemed to have been agreed.

### **Chapter 3**

#### **Form and content of SDP**

##### **Form and content**

**13.**—(1) An SDP must contain—

- (a) a title which—

- (i) gives the name of the area for which the SDP is prepared, and
- (ii) specifies that it is an SDP;
- (b) a sub-title which specifies—
  - (i) the date of its adoption or approval and the expiry date of the period in relation to which it has effect, or
  - (ii) where it is an emerging SDP—
    - (aa) the period in relation to which it is proposed to have effect,
    - (bb) the stage reached, and
    - (cc) its date of publication;
- (c) a reasoned justification of the policies contained in it.

(2) Those parts of the SDP which comprise its policies as required by section 60M(2)(b) of the 2004 Act and those which comprise the reasoned justification required by paragraph (1)(c) must be readily distinguishable.

(3) In this regulation, an “emerging SDP” means a document proposed as either an SDP or a revision to an SDP which—

- (a) is made available for inspection and published pursuant to regulation 18, 21 or 23, and
- (b) has neither been adopted by the CJC under section 67(3) of the 2004 Act, nor approved by the Welsh Ministers under section 65(9)(a) or 71(4)(b) of that Act.

### **Proposals map**

**14.**—(1) The SDP must contain a map to be known as “a proposals map” of the CJC’s area which—

- (a) is—
  - (i) reproduced from, or based on, a map produced by Ordnance Survey, or
  - (ii) a map on a similar base with a registered scale, and
- (b) shows—
  - (i) policies with a spatial implication for the development of land in that area, and
  - (ii) National Grid lines and reference numbers.

(2) Policies for any part of the CJC’s area may be illustrated on a separate map at a scale larger than a proposals map (an “inset map”).

(3) Where an inset map is included in an SDP, the area covered by the inset map must be identified on the proposals map and the policies for that area must be illustrated on that inset map only.

(4) The title (and any sub-title) of an SDP must be set out on the proposals map and on any inset map.

(5) The proposals map and any inset map must show the scale to which it has been prepared and include an explanation of any symbol or notation used in the map.

**Additional matters to which the CJC must have regard**

**15.**—(1) The following matters are prescribed for the purposes of section 60M(6)(f) of the 2004 Act—

- (a) any policies developed under subsection (1) or (2A) of section 108 of the Transport Act 2000<sup>(1)</sup> (whether under those subsections as modified by regulations made under Part 5 the 2021 Act or otherwise) which affect any part of the CJC’s area;
- (b) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment;
- (c) the need, in the long term—
  - (i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;
  - (ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate, through appropriate safety distances or other relevant measures;
  - (iii) in the case of existing establishments, to facilitate and encourage operators to take all necessary measures to prevent major accidents and to limit their consequences for human health and the environment;
- (d) the national waste management plan within the meaning of regulation 3(1) of the Waste (England and Wales) Regulations 2011<sup>(2)</sup> and prepared by the Welsh Ministers;
- (e) any marine plan adopted and published by the Welsh Ministers for the purposes of section 51(1) of the Marine and Coastal Access Act 2009<sup>(3)</sup> which affects any part of the CJC’s area.

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(1) 2000 c. 38. Section 108(1) was amended by section 8(1) and (2) of the Local Transport Act 2008 (c. 26). Section 108(2A) was inserted by section 3 of, and paragraph 2 of the Schedule to, the Transport (Wales) Act 2006 (c. 5).

(2) S.I. 2011/988. There are amendments to regulation 3(1) not relevant to this instrument.

(3) 2009 c. 23.

(2) Expressions which are both in paragraph (1) and in Directive 2012/18/EU<sup>(1)</sup> have the same meaning as in that Directive.

## Chapter 4

### Pre-deposit

#### **Pre-deposit participation**

**16.**—(1) Before it complies with regulation 18, the CJC must—

- (a) for the purpose of generating alternative strategies and options, engage—
  - (i) each of the specific consultation bodies to the extent it considers that the subject matter of the SDP affects those bodies, and
  - (ii) such of the general consultation bodies as it considers appropriate;
- (b) request nominations for strategic locations and sites proposed to be included in the SDP, stating the date by which nominations must be received by the CJC;
- (c) publish the request for nominations on its website and by such other means as it considers appropriate;
- (d) prepare a list of all locations and sites nominated (a “candidate strategic locations and sites register”).

(2) The CJC must consider any locations and sites so nominated before determining the content of the SDP to be deposited under regulation 21.

#### **Pre-deposit proposals documents**

**17.** The CJC must prepare documents to be known as “pre-deposit proposals documents” consisting of—

- (a) its preferred strategy, strategic options and proposals for its SDP,
- (b) a description of their implications, including an explicit description of any alternatives considered and their implications;
- (c) the candidate strategic locations and sites register,
- (d) any relevant review report, and

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(1) Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances (OJ No L 197, 24.7.2012, p. 1).

- (e) any documents which it considers relevant in support of those referred to in paragraphs (a) to (c).

**Pre-deposit public consultation**

**18.**—(1) The CJC must prepare a statement to be known as a “statement of pre-deposit matters” containing—

- (a) the title of the SDP;
- (b) the period within which representations on the proposals may be made in accordance with regulation 19(1);
- (c) the address to which and, where appropriate, the person to whom, representations must be sent;
- (d) a statement that any representations may be accompanied by a request that the person making the representation be notified at a specified address if any of the following events occur—
  - (i) the SDP has been submitted to the Welsh Ministers for independent examination under section 64(1) of the 2004 Act;
  - (ii) the SDP has been adopted under section 67(3) of the 2004 Act;
  - (iii) the SDP has been approved under section 65(9)(a) or 71(4)(b) of the 2004 Act.

(2) Before a CJC deposits its SDP in accordance with regulation 21, it must—

- (a) make copies of the pre-deposit proposals documents and the statement of pre-deposit matters available for inspection during normal office hours at—
  - (i) its principal office,
  - (ii) the principal office of any LPA in the CJC’s area, and
  - (iii) such other places within its area as the CJC considers appropriate;
- (b) publish on its website—
  - (i) the pre-deposit proposals documents,
  - (ii) the statement of pre-deposit matters, and
  - (iii) a statement that the pre-deposit proposals documents and statement of pre-deposit matters are available for inspection and the places and times at which they may be inspected;
- (c) send to those bodies referred to in regulation 16(1)(a)—
  - (i) the pre-deposit proposals documents,

- (ii) such supporting documents as are relevant to the body to which the documents are being sent,
- (iii) the statement of pre-deposit matters, and
- (iv) the statement referred to in sub-paragraph (b)(iii).

#### **Pre-deposit public consultation representations**

**19.**—(1) Any person may make representations to the CJC about its pre-deposit proposals documents within the period of six weeks beginning with the day on which the CJC complies with regulation 18(2).

(2) Where the CJC complies with the requirements in regulation 18(2) on different days, the period referred to in paragraph (1) is taken to begin with the later of those days.

(3) Any representations must be—

- (a) made in writing, and
- (b) sent to the address and the person (if any) specified in accordance with regulation 18(1)(c).

(4) The CJC must consider any representations made in accordance with this regulation before determining the content of the SDP to be deposited under regulation 21.

## Chapter 5

### Deposit of SDP

#### **Initial consultation report, SDP proposals documents and statement of deposit matters**

**20.** The CJC must, before taking any other step provided for in the remaining provisions of this Part, prepare—

- (a) a report to be known as an “initial consultation report” setting out—
  - (i) the persons or bodies the CJC has engaged or consulted in accordance with regulations 16 and 18,
  - (ii) a summary of the main issues raised, responses given and representations made as a result of that engagement or consultation,
  - (iii) an explanation of how those issues, responses and representations have been addressed in the SDP and the extent to which they have been addressed,
  - (iv) the total number of representations made in accordance with regulation 19,

- (v) a description of any deviation from the community involvement scheme,
- (b) documents to be known as “SDP proposals documents” which consist of—
  - (i) the SDP,
  - (ii) the sustainability appraisal report,
  - (iii) the initial consultation report,
  - (iv) any relevant review report,
  - (v) any candidate strategic locations and sites register,
  - (vi) any supporting documents which the CJC considers relevant to the preparation of the SDP, and
- (c) a statement (“statement of deposit matters”) containing—
  - (i) the title of the SDP,
  - (ii) the period within which representations about the SDP must be made in accordance with regulation 22,
  - (iii) the address to which, and where appropriate, the person to whom, such representations must be made under regulation 22(3)(b), and
  - (iv) a statement that any such representations may be accompanied by a request that the person making the representation be notified at a specified address if any of the following events occur—
    - (aa) the publication of the recommendations of the appointed person;
    - (bb) the adoption of the SDP under section 67(3) of the 2004 Act;
    - (cc) its approval under section 65(9)(a) or 71(4)(b) of that Act.

### **Deposit of proposals**

**21.** Before submitting the SDP to the Welsh Ministers for independent examination under section 64(1) of the 2004 Act, the CJC must—

- (a) deposit copies of the SDP proposals documents and the statement of deposit matters for inspection during normal office hours at the places at which the pre-deposit proposals documents and the statement of pre-deposit matters were made available for inspection under regulation 18(2)(a);
- (b) publish on its website—
  - (i) the SDP proposals documents,
  - (ii) the statement of deposit matters, and

- (iii) a statement that the SDP proposals documents and statement of deposit matters are available for inspection and the places and times at which they may be inspected;
- (c) send copies of the following to each of the bodies referred to in regulation 16(1)(a)—
  - (i) the SDP,
  - (ii) the sustainability appraisal report,
  - (iii) the initial consultation report,
  - (iv) a list of such supporting documents as the CJC considers relevant to the preparation of the SDP,
  - (v) the statement of deposit matters, and
  - (vi) the statement referred to in paragraph (b)(iii).

### **Representations on deposit proposals**

**22.**—(1) Any person may make representations about the SDP within the period of six weeks beginning with the day on which the CJC complies with regulation 21.

(2) Where the CJC complies with the requirements in regulation 21 on different days, the period referred to in paragraph (1) is taken to begin with the later of those days.

(3) Any representations must be—

- (a) made in writing, and
- (b) sent to the address and person (if any) specified in the statement of deposit matters.

(4) The CJC must—

- (a) consider any representations it receives in accordance with this regulation;
- (b) as soon as reasonably practicable—
  - (i) make a copy of the representations available at the places, and during the times, at which the pre-deposit proposals documents and the statement of pre-deposit matters were made available for inspection under regulation 18(2)(a), and
  - (ii) where practicable, publish on its website details of the representations and the places and times at which they may be inspected.

(5) The CJC need not comply with paragraph (4)(b) in relation to any representation received after the expiry of the period referred to in paragraph (1).

## Chapter 6

Independent examination of SDP

**Submission of SDP to the Welsh Ministers**

**23.**—(1) The documents prescribed for the purposes of section 64(3) of the 2004 Act are—

- (a) the sustainability appraisal report,
- (b) the community involvement scheme,
- (c) a consultation report setting out—
  - (i) which persons or bodies the CJC has engaged or consulted in accordance with regulations 16, 18 and 21,
  - (ii) a summary of the main issues raised, responses given and representations made as a result of that engagement, consultation or notification,
  - (iii) an explanation of how the main issues raised, responses given and representations made as a result of engagement or consultation under regulation 16 or 18 have been addressed in the SDP, and the extent to which they have been addressed,
  - (iv) the CJC's recommendations as to how it considers the main issues raised in the representations made in accordance with regulation 22 should be addressed in the SDP,
  - (v) the total number of representations made in accordance with regulations 19 and 22, and
  - (vi) a description of any deviation from the community involvement scheme,
- (d) any relevant review report,
- (e) any candidate strategic locations and sites register,
- (f) a copy of the representations received in accordance with regulation 22, and
- (g) such supporting documents as the CJC considers relevant to the preparation of the SDP.

(2) Paragraph (3) applies for the purposes of paragraph (1)(a) to (c), (e) and (g).

(3) Where this paragraph applies—

- (a) two copies of each of the documents in question must be sent to the Welsh Ministers in paper form, and
- (b) one copy of each must be sent to the Welsh Ministers electronically, subject to that being practicable in the case of the documents referred to in paragraph (1)(g).

(4) For the purposes of paragraph (1)(f), a copy of each representation must be sent to the Welsh Ministers in paper form.

(5) The CJC must—

- (a) publish a statement on its website that it has submitted the SDP for examination under section 64(1) of the 2004 Act;
- (b) make the documents referred to in paragraph (1)(c) and (1)(g) available for inspection during normal office hours at the places at which the pre-deposit proposals documents and the statement of pre-deposit matters were made available for inspection under regulation 18(2)(a);
- (c) publish on its website the consultation report and if reasonably practicable the documents referred to in paragraph (1)(g);
- (d) give notice to any person who requested notification of the submission of the SDP to the Welsh Ministers for independent examination, to the effect that it has been so submitted.

#### **Independent examination**

**24.**—(1) At least six weeks before the start of the first of any hearings held in relation to the SDP under section 64(6) of the 2004 Act, the CJC must—

- (a) publish the matters referred to in paragraph (2) on its website;
- (b) notify any person who has made (and not withdrawn) a representation in accordance with regulation 22 of those matters.

(2) The matters that must be published are the—

- (a) time and place at which the hearing is to be held, and
- (b) name of the appointed person.

(3) The appointed person must consider any representation made in accordance with regulation 22 before making recommendations in accordance with section 64(7) of the 2004 Act.

#### **Publication of the recommendations of the appointed person**

**25.**—(1) The time by which the CJC must comply with section 64(8) of the 2004 Act is—

- (a) where the Welsh Ministers give a direction under section 65(1) of the 2004 Act after the appointed person has complied with section 64(7) of that Act, as soon as reasonably practicable after receipt of the direction;

- (b) otherwise, on or before the day on which the SDP is adopted under section 67(3) of the 2004 Act.

(2) In publishing the appointed person's recommendations and the reasons in accordance with section 64(8) of the 2004 Act, the CJC must—

- (a) make the recommendations and the reasons for the recommendations available for inspection during normal office hours at the places at which the pre-deposit proposals documents and statement of pre-deposit matters were made available for inspection under regulation 18(2)(a),
- (b) publish the recommendations and reasons on its website, and
- (c) give notice to any person who requested notification of the publication of the recommendations of the appointed person to the effect that they have been so published.

## Chapter 7

### Intervention by the Welsh Ministers

#### **Direction preventing adoption**

**26.** Where the Welsh Ministers give a direction under section 67(4) of the 2004 Act directing the CJC not to adopt the SDP, the CJC must—

- (a) make the direction available for inspection during normal office hours at the places where the pre-deposit proposals documents and the statement of pre-deposit matters must be made available for inspection under regulation 18(2)(a), and
- (b) publish the direction on its website.

#### **Direction to modify an SDP**

**27.** Where the Welsh Ministers give a direction under section 65(1)(a) of the 2004 Act directing the CJC to modify the SDP, the CJC must—

- (a) make the direction available for inspection during normal office hours at the places where the pre-deposit proposals documents and the statement of pre-deposit matters must be made available for inspection under regulation 18(2)(a), and
- (b) publish the direction on its website.

**Section 65(4) directions (call-in): application of regulations 29 to 32**

28. Regulations 29 to 32 apply where the Welsh Ministers give a direction under section 65(4) of the 2004 Act.

**Section 65(4) directions (call-in): direction given before the CJC submits its SDP under section 64(1) of the 2004 Act**

29.—(1) Where the Welsh Ministers give a direction under section 65(4) of the 2004 Act directing that the SDP be submitted for their approval before the CJC submits the SDP under section 64(1) of the 2004 Act—

- (a) the CJC must—
  - (i) comply with section 60M(7) of that Act, unless it has already done so;
  - (ii) make the direction available for inspection during normal office hours at the places where the pre-deposit proposals documents and the statement of pre-deposit matters are required to be made available for inspection under regulation 18(2)(a);
  - (iii) publish the direction on its website, and
- (b) regulations 16 to 22 continue to have effect as if the direction had not been given.

(2) Nothing in paragraph (1)(b) requires the CJC to repeat any step it had taken before it received the direction.

**Publication of the recommendations of the appointed person (call-in)**

30. The CJC must as soon as practicable after the Welsh Ministers publish recommendations made to it in accordance with section 65(6) of the 2004 Act—

- (a) make the recommendations given by the appointed person, and the reasons given for their recommendations, available for inspection during normal office hours at the places where the pre-deposit proposals documents and statement of pre-deposit matters were made available for inspection under regulation 18(2)(a), and
- (b) publish those recommendations and reasons on its website.

**Departure from recommendations of the appointed person and representations in that regard (call-in)**

31.—(1) Where the Welsh Ministers propose to depart from any recommendation given by the

appointed person, they must publish departure proposals.

(2) The CJC must as soon as reasonably practicable after the Welsh Ministers comply with paragraph (1)—

- (a) make copies of the departure proposals and the relevant statement available for inspection during normal office hours at the places where the pre-deposit proposals documents and the statement of pre-deposit matters were made available for inspection under regulation 18(2)(a);
- (b) publish on its website—
  - (i) the departure proposals,
  - (ii) the relevant statement, and
  - (iii) a statement that the departure proposals are available for inspection and the places and times at which they may be inspected;
- (c) send to the bodies referred to in paragraph (4)—
  - (i) copies of the departure proposals(4), and
  - (ii) notification of the relevant statement.

(3) In this regulation—

- (a) “departure proposals” means documents specifying—
  - (i) the manner in which the Welsh Ministers propose to depart from any recommendations given by the appointed person, and
  - (ii) the reasons for those proposals;
- (b) the “relevant statement” means a statement specifying—
  - (i) the period within which representations about the departure proposals must be made,
  - (ii) the address of the Welsh Ministers to which, and where appropriate, the person to whom, representations (whether by electronic communication or otherwise) must be sent, and
  - (iii) that any representations so made may be accompanied by a request that the person making the representation be notified at a specified address of the Welsh Ministers’ decision under section 65(9)(a) of the 2004 Act.

(4) The bodies referred to in paragraph (2)(c)(i) are—

- (a) each of the specific consultation bodies, to the extent that the departure proposals affect or could affect those bodies, and

- (b) such of the general consultation bodies as the Welsh Ministers consider appropriate.

(5) Any person may make representations on the departure proposals by sending them to the address and the person (if any) specified in accordance with paragraph (3)(b)(ii) within the period of six weeks beginning with the day on which the Welsh Ministers publish the departure proposals.

(6) The Welsh Ministers must consider any such representations before making a decision under section 65(9)(a) of the 2004 Act.

**Welsh Ministers' decision following section 65(4) direction (call-in)**

**32.**—(1) Where the Welsh Ministers reject the SDP, approve it or approve it subject to modifications under section 65(9)(a) of the 2004 Act (whichever the case may be), the CJC must as soon as reasonably practicable—

- (a) make the following available for inspection during normal office hours at the places where the pre-deposit proposals documents and the statement of pre-deposit matters were made available for inspection under regulation 18(2)(a)—
  - (i) the SDP;
  - (ii) the reasons given by the Welsh Ministers under section 65(9)(b) of that Act;
  - (iii) the decision statement;
- (b) publish the decision statement on its website;
- (c) send the decision statement to any person who requested to be notified of the decision under section 65(9)(a) of the 2004 Act.

(2) In this regulation, a “decision statement” is a statement which includes—

- (a) the Welsh Ministers' decision under section 65(9)(a) of the 2004 Act, and
- (b) where the Welsh Ministers approve the SDP, or approve it subject to modifications, a statement—
  - (i) of the date on which the SDP was so approved;
  - (ii) that a person aggrieved by the approved SDP may make an application to the High Court under section 113(3) of the 2004 Act;
  - (iii) of the grounds on, and the time within which, such an application may be made.

Chapter 8

## Withdrawal of SDP

### Withdrawal

**33.** Where an SDP is withdrawn under section 66(1) or 66A(2) of the 2004 Act<sup>(1)</sup>, the CJC must as soon as reasonably practicable—

- (a) publish a statement of that fact on its website;
- (b) notify any body they engaged with under regulation 16(1)(a) of that fact;
- (c) remove any copies, documents, matters and statements made available for inspection or published under regulation 18(2)(a), 18(2)(b), 21(a), 21(b) or 22(4)(b) from the places that they were made available for inspection or published;
- (d) notify any person who made (and who has not withdrawn) a representation in accordance with regulation 22(1), of the withdrawal.

### Withdrawal in absence of a direction

**34.—**(1) The steps required by paragraph (1)(a), (b) and (c) of regulation 18 are the steps specified for the purposes of section 66A(6)(b) of the 2004 Act.

(2) Where the CJC gives notice under section 66A(5)(a) of the 2004 Act, it must do so within the period of seven days beginning with the day on which it approves, by resolution, the withdrawal of the SDP.

(3) Such notice must include—

- (a) reasons for the withdrawal,
- (b) a copy of the report to the CJC which recommends the proposed withdrawal, and
- (c) a copy of the CJC's resolution to withdraw.

(4) The CJC must—

- (a) publish the notice on its website, and
- (b) make copies available for inspection at the places where the pre-deposit proposals documents and the statement of pre-deposit matters were made available for inspection under regulation 18(2)(a).

(5) Where giving a direction under section 66A(7) of the 2004 Act, the Welsh Ministers must—

- (a) specify in the direction—
  - (i) what further information is required under section 66A(7)(a) of that Act (if any),

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(1) Sections 66 and 66A were substituted by section 13 of the 2015 Act.

- (ii) the extension of the notice period referred to in section 66A(5)(b) of that Act (if any), and
  - (b) publish the direction on their website and by such other means as they consider appropriate.
- (6) For the purposes of section 66A(9) of the 2004 Act, the notice period is six weeks.

## Chapter 9

### Adoption and approval of SDP

#### **Adoption**

**35.**—(1) Subject to the provisions of Part 6 of the 2004 Act, the CJC must hold a vote on the resolution referred to in section 67(3) of that Act within the period of eight weeks beginning with the day on which the CJC receives the appointed person's recommendations made under section 64(7)(a) of that Act.

(2) As soon as reasonably practicable after the CJC adopts an SDP, it must—

- (a) make available for inspection during normal office hours at the places at which the pre-deposit proposals documents and the statement of pre-deposit matters were made available for inspection under regulation 18(2)(a)—
  - (i) the SDP,
  - (ii) an adoption statement, and
  - (iii) the sustainability appraisal report,
- (b) publish the following on its website—
  - (i) the SDP,
  - (ii) the adoption statement, and
  - (iii) the sustainability appraisal report,
- (c) send the adoption statement to any person who has asked to be notified of the adoption of the SDP, and
- (d) send a copy of the SDP and the adoption statement to the Welsh Ministers.

(3) For the purposes of this regulation, “adoption statement” means a statement including—

- (a) the date on which the SDP was adopted;
- (b) that a person aggrieved by the SDP may make an application to the High Court under section 113(3) of the 2004 Act;
- (c) the grounds on, and the time within which, such an application may be made.

### **Approval**

**36.**—(1) Where the Welsh Ministers approve the SDP under section 65(9)(a) or 71(4)(b) of the 2004 Act, the CJC must as soon as reasonably practicable—

- (a) make available for inspection during normal office hours at the places at which the pre-deposit proposals documents and the statement of pre-deposit matters were made available for inspection under regulation 18(2)(a)—
  - (i) the SDP,
  - (ii) an approval statement, and
  - (iii) the sustainability appraisal report;
- (b) publish the following on its website—
  - (i) the SDP,
  - (ii) the approval statement, and
  - (iii) the sustainability appraisal report;
- (c) send the approval statement to any person who has asked to be notified of the approval of the SDP.

(2) For the purposes of this regulation, “approval statement” means a statement including—

- (a) the date on which the SDP was approved;
- (b) that a person aggrieved by the SDP may make an application to the High Court under section 113(3) of the 2004 Act;
- (c) the grounds on, and the time within which, such an application may be made.

### **Effect of adoption and approval**

**37.** Where an SDP is adopted by the CJC under section 67(3) of the 2004 Act or is approved by the Welsh Ministers under section 65(9)(a) or 71(4)(b) of that Act, any existing SDP is superseded and ceases to have effect.

## **PART 3**

### **Revocation of SDP**

#### **Revocation**

**38.** Where the Welsh Ministers revoke an SDP, the CJC must within the period of two weeks beginning with the day of its revocation—

- (a) publish a statement of that fact on its website,
- (b) remove the SDP from the places it was—
  - (i) made available for inspection under regulation 32(1)(a) or 36(1)(a);

- (ii) published under regulation 35(2)(b) or 36(1)(b), and
- (c) take such other steps as it considers necessary to draw the revocation of the SDP to the attention of persons living or working in its area.

## PART 4

### Review of SDP

#### Review

**39.**—(1) For the purposes of carrying out a review of an SDP in accordance with section 69(1)(b) of the 2004 Act<sup>(1)</sup>, the CJC must commence a review not later than the period of every six years beginning with the later of—

- (a) the date of first adoption of the SDP under section 67(3) of the 2004 Act or first approval of the SDP under section 65(9)(a) or 71(4)(b) of that Act, or
- (b) the date of last adoption or approval of an SDP under those sections (whichever the case) following a review under section 69(1) of the 2004 Act.

(2) A CJC must—

- (a) by resolution approve the review report before submitting it to the Welsh Ministers in accordance with section 69(2) of the 2004 Act, and
- (b) submit the report within the period of six months beginning with the day on which the CJC is required to commence its review of the SDP under paragraph (1).

(3) As soon as reasonably practicable after a review report has been approved, the CJC must—

- (a) publish the report on its website, and
- (b) make copies available for inspection at its principal office.

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(1) Section 69(1) was amended by section 8(2) of the 2015 Act.

## PART 5

### Annual monitoring report

#### **Annual monitoring report**

**40.**—(1) A CJC must publish its annual monitoring report on its website and submit it to the Welsh Ministers—

- (a) on or before 31 October in each year, or
- (b) where a period of less than 12 months has elapsed since the SDP was adopted by the CJC under section 67(3) of the 2004 Act or approved by the Welsh Ministers under section 65(9)(a) or 71(4)(b) of that Act, on 31 October in the year after its adoption or approval.

(2) Where a policy specified in an SDP is not being implemented, the annual monitoring report must—

- (a) identify that policy;
- (b) include a statement of—
  - (i) the reasons why the policy is not being implemented,
  - (ii) the steps the CJC intends to take to secure that the policy is implemented (if any), and
  - (iii) whether the CJC intends to prepare a revision of the SDP for the purpose of amending or replacing the policy.

## PART 6

### Requirements as to the availability of documents

#### **Duration of requirement to make documents available for inspection**

**41.**—(1) This regulation does not apply to an SDP made available for inspection under regulation 35(2)(a)(i) or 36(1)(a).

(2) Copies, documents, representations, directions matters, notices or statements may be removed from the places they are made available for inspection or published on the CJC's website from the end of the period of six weeks which begins with the day after

the SDP is adopted by the CJC under section 67(3) of the 2004 Act or approved by the Welsh Ministers under section 65(9)(a) or 71(4)(b) of that Act.

*Julie James*

Minister for Housing and Local Government, one of  
the Welsh Ministers

18 March 2021