

Planning Division 3 (Development Plans)
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

2005/21

6th May 2005

Dear Sir/Madam

**Consultation relating to the proposed new local development plan system on:
1) Draft Commencement & Transitional Provisions Order Explanatory Note, and 2)
Draft Regulations (Part 6 of the Planning and Compulsory Purchase Act 2004)**

Thank you for the opportunity to comment on the above consultation (found at www.wales.gov.uk/subiplanning/toc-e.htm#Aq). The consultation has been considered by the Royal Town Planning Institute's Welsh Planning Policy Panel and as such, I can offer the following comments:-

GENERAL COMMENTS

1. The Royal Town Planning Institute (RTPI) welcomes the Welsh Assembly Government's commitment to improving the development plan system in Wales – in particular, the pledge to work in partnership with the public, private and voluntary sectors in Wales.
2. The RTPI considers that the regulations are extremely technical in detail and are designed for local planning authorities 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 – an aspect emphasised throughout the Assembly's 'Delivering Better Development Plans for Wales' together with the Assembly's commitment to making LDPs 'more relevant, inclusive and engaging.' As such, the Institute welcomes the production of the proposed 'LDP Manual' – and views this not only as a comprehensive document for practitioners but as an opportunity to improve understanding and to encourage more engagement by the local community and stakeholders in the plan-making system.
3. The RTPI fully supports the Welsh Assembly 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.

DETAILED COMMENTS

Part 1 – GENERAL

Interpretation

4. This section appears to be over-complicated in style and layout – for example, there are 7 sub-section ‘A’s’ in this part of the document.

2 (a) second ‘(a)’ on Page 16

“Decision Statement means:-

A statement that the National Assembly has decided to approve, approve subject to modifications, or reject an LDP (as the case may be)”

5. The term “modifications” in this sentence echoes the old-style (and now redundant) stage of the UDP system. Does this cover the range of changes that the Inspector has open to him/her? For example, paragraph 2.5 of the PINS document on ‘Soundness’ refers to “changes,” “exclusions,” “additional work” and “revision.” Some clarification is needed here.

2 (f) on Page 16

“General consultation bodies means”

6. It is suggested that the list of consultation bodies should include professional bodies with a remit relating to land use.

2(j) on Page 17

“Objection” means any representation

7. This sentence is misleading as the regulations do not refer to “objections” at all. Perhaps a more helpful sentence would be **“representation” means objection, expression of support or any other valid comment on the Local Development Plan** if indeed this is the case.

2 (p) on Page 17

“Specific consultation bodies”

8. It is suggested that this section should include reference to voluntary local authority partnerships/forums relating to regional planning, transport, housing and waste and also the local Police authorities.

2(p) (vii) (aa) on Page 17

“to whom the electronic communications code applies by virtue of a direction given under section 106(3) (a) of the Communications Act 2003, and”

9. There is no explanation in the regulations of what is meant by the above or indeed where more information can be found on the Communications Act 2003. It is suggested that some explanation as to what is contained in this Act (and other Acts referred to in the document). Perhaps this could be outlined in the preface to the section on Regulations?

Part 3 – FORM AND CONTENT OF LDP

13 (d) (ii) on Page 21

10. An explanation in layman's terms of some of the EU Directives would be helpful. For example, this paragraph appears to refer to buffer zones around hazardous installations but it is not clear – even to practitioners.

Part 4 – LDP PROCEDURE

21 on Page 24

“Representations on a site allocation representation”

11. This section requires a conclusion. There is a space here in the document and it is unclear as to whether a sentence is missing from the end of this section.

24 on Page 25

“Publication of the recommendations of the person appointed”

12. This section could include the requirement for local planning authorities to publish a statement of the right of those concerned to challenge the recommendations.

25 on Page 25

“Adoption of an LDP”

13. This section should clarify the position where the local planning authority does not agree with the recommendations of the person appointed to carry out the inspection. Also, further clarification is needed of the position where recommendations are made by the person appointed to carry out the inspection which could have environmental impact. How will the requirements for sustainability appraisal of the plan and for making such appraisal public apply in such circumstances? Failure to clarify this could lead to future challenges and delay.

Part 5 – INTERVENTION BY THE NATIONAL ASSEMBLY

30 (2) (iii) and (3) on Page 27

14. These sentences are difficult to follow and could be simplified by simply referring to the relevant paragraphs in (2) (iii)

Thank you for the opportunity to contribute to the consultation. I hope that these comments are helpful but please do not hesitate to contact me if further clarification is needed. The Institute has no objection to these comments being made public.

Yours faithfully

Rebecca Phillips
Welsh Planning Policy Officer