WELSH STATUTORY INSTRUMENTS

# 2005 No. 2839 (W.203)

# TOWN AND COUNTRY PLANNING, WALES

## The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005

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| *Made - - - -* | *11 October 2005* |
| *Coming into force - -* | *15 October 2005* |

The National Assembly of Wales ("the National Assembly"), in exercise of the powers conferred upon it by sections 62(4) and (5)(g), 63(3)(a), 63(7), 64(3), 69, 72(7), 76(2) and (3) and 77 of the Planning and Compulsory Purchase Act 2004 ("the Act")(**1**) and paragraph 5(2) of Schedule 4A to the Town and Country Planning Act 1990(**2**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

## PART 1

## GENERAL

### Title, commencement and application

**1.**—(1) These Regulations may be called the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 and come into force on 15 October 2005.

(2) These Regulations apply in relation to Wales.

### Interpretation

**2.**—(1) In these Regulations—

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

"adoption statement" ("*datganiad mabwysiadu*") means a statement—

(a) of the date on which an LDP is adopted;

(b) that a person aggrieved by the LDP may make an application to the High Court under section 113; and

(**1**) 2004 c. 5. As to powers to prescribe, *see* section 122(1).
(**2**) 1990 c. 8. Schedule 4A was inserted by Schedule 1 to the Planning and Compulsory Purchase Act 2004.

(c) of the grounds on, and the time within which such an application may be made;

"by local advertisement" ("*drwy hysbyseb leol*") means by publication on at least one occasion in a local newspaper circulating in the whole of the area of the LPA;

"decision statement" ("*datganiad penderfynu*") means—

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

(b) where the National Assembly decides to approve an LDP, or to approve an LDP subject to modifications, a statement—

(i) of the date on which the LDP is adopted,

(ii) that a person aggrieved by the LDP may make an application to the High Court under section 113, and

(iii) of the grounds on, and the time within which such an application may be made;

"delivery agreement" ("*cytundeb cyflawni*") means the agreed community involvement scheme together with the agreed timetable referred to in section 63(1);

"deposit matters" ("*materion adneuo*") means—

(a) the title of the LDP;

(b) the period within which representations about the LDP must be made in accordance with regulation 16(2)(a);

(c) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent in accordance with regulation 18;

(d) a statement that representations may be accompanied by a request to be notified at a specified address of the publication of the recommendations of the person appointed to carry out an examination under section 64 or the adoption of the LDP or both;

"disabled person" ("*person anabl*") has the meaning given by section 1(2) of the Disability Discrimination Act 1995(**3**);

"electronic communication" ("*cyfathrebiad electronig*") has the meaning given by section 15(1) of the Electronic Communications Act 2000(**4**);

"electronic communications apparatus" ("*offer cyfathrebu electronig*") has the meaning given by paragraph 1(1) of the electronic communications code(**5**);

"electronic communications code" ("*cod cyfathrebu electronig*") has the same meaning as in section 106(1) of the Communications Act 2003(**6**);

"general consultation bodies" ("*cyrff ymgynghori cyffredinol*") means—

(a) voluntary bodies, some or all of whose activities benefit any part of the LPA's area;

(b) bodies which represent the interests of different racial, ethnic or national groups in the LPA's area;

(c) bodies which represent the interests of different religious groups in the LPA's area;

(d) bodies which represent the interests of disabled persons in the LPA's area;

(e) bodies which represent the interests of persons carrying on business in the LPA's area; and

(f) bodies which represent the interests of Welsh culture in the LPA's area;

(**3**) 1995 c. 50.
(**4**) 2000 c. 7.
(**5**) The definition of "electronic communications apparatus" has been inserted into paragraph 1(1) of the electronic communications code by paragraph 2(2) of Schedule 3 to the Communications Act 2003 (c. 21).
(**6**) 2003 c. 21.

"initial consultation report" ("*adroddiad ymgynghori cychwynnol*") means the report of the LPA prepared pursuant to regulations 14 to 16;

"inspection" ("*arolygu*") means inspection by the public;

"LDP" ("*CDLl*") means a local development plan;

"LDP documents" ("*dogfennau CDLl*") means—

(a) the deposit LDP;

(b) the sustainability appraisal report;

(c) the initial consultation report;

(d) such supporting documents as in the opinion of the LPA are relevant to the preparation of the LDP;

"LPA" ("*ACLl*") means the local planning authority;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"Ordnance Survey map" ("*map yr Arolwg Ordnans*") means a map produced by Ordnance Survey or a map on a similar base at a registered scale;

"person appointed" ("*person a benodwyd*") means a person appointed by the National Assembly under section 64(4) to carry out an independent examination;

"pre-deposit proposals documents" ("*dogfennau cynigion cyn-adneuo*") means the LPA's preferred strategy, options and proposals for the LDP and the implications of these, with earlier alternatives and implications made explicit, together with such supporting documents as in the opinion of the LPA are relevant to those documents;

"pre-deposit matters" ("*materion cyn-adneuo*") means—

(a) the title of the LDP;

(b) the period within which representations on the proposals may be made in accordance with regulation 16(2)(a);

(c) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent in accordance with regulation 16(2)(b);

(d) a statement that any representations may be accompanied by a request to be notified at a specified address that the LDP has been submitted to the National Assembly for independent examination under section 64 and of the adoption of the LDP;

"relevant authority" ("*awdurdod perthnasol*") means—

(a) an LPA;

(b) a community council;

"site allocation policy" ("*polisi dyrannu safle*") means a policy which allocates a site for a particular use or development;

"site allocation representation" ("*sylw ar ddyraniad safle*") means any representation which seeks to change an LDP by—

(a) adding a site allocation policy to the LDP; or

(b) altering or deleting any site allocation policy in the LDP;

"specific consultation bodies" ("*cyrff ymgynghori penodol*") means the bodies specified or described in paragraphs (i) to (viii) of this definition;

(a) the Countryside Council for Wales(**7**),

(b) the Environment Agency(**8**),

(c) insofar as the Secretary of State exercises functions previously exercisable by the Strategic Rail Authority, the Secretary of State,

(d) the National Assembly,

(e) a relevant authority any part of whose area is in or adjoins the area of the LPA,

(f) any person—

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

(ii) who owns or controls electronic communications apparatus situated in any part of the area of the LPA (where known),

(g) if it exercises functions in any part of the LPA's area—

(i) a Local Health Board(**9**),

(ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989(**10**),

(iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986(**11**),

(iv) a sewerage undertaker,

(v) a water undertaker;

"sustainability appraisal report" ("*adroddiad arfarnu cynaliadwyedd*") means the report prepared pursuant to section 62(6)(b); and includes any environmental report required under the provisions of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004(**12**) or any re-enactment thereof;

"Waste Strategy for Wales" ("*Strategaeth Wastraff Cymru*") means any statement which contains the National Assembly's policies in relation to the recovery and disposal of waste in Wales(**13**) and which is made under section 44A of the Environmental Protection Act 1990(**14**).

(2) In these Regulations, unless otherwise stated, any reference to a section is a reference to that section of the Act and any reference to a regulation is a reference to that regulation in these Regulations.

### Scope of Regulations

**3.**—(1) These Regulations have effect in relation to the revision of an LDP as they apply to the preparation of an LDP.

(2) Where—

(a) an LPA; or

(b) the National Assembly

(**7**) *See* section 1(1) of the National Parks and Access to the Countryside Act 1949 (c. 97), as substituted by the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1 and as amended by S.I.1999/416.
(**8**) *See* section 1(1) of the Environment Act 1995 (c. 25).
(**9**) See section 16BA of the National Health Service Act 1977 (c. 49).
(**10**) 1989 (c. 29); section 6 was substituted by the Utilities Act 2000 (c. 27), section 30.
(**11**) 1986 (c. 44); section 7 was substituted by the Gas Act 1995 (c. 45) and section 7(2) was amended by the Utilities Act 2000 (c. 27), sections 3(2), 76(1) and (3) and Schedule 6, paragraphs 1 and 4.
(**12**) S.I. 2004/1656.
(**13**) Wise about Waste: The National Waste Strategy for Wales, June 2002.
(**14**) 1990 c. 43.

has, in relation to the preparation of a local development plan, taken any step in relation to any regulation made under the provisions of Part 6 of the Act, that step is to be regarded as having been taken pursuant to the duties imposed on the local planning authority or the National Assembly under that regulation, whether that step was taken before, on or after the day appointed for the coming into force of that regulation.

**Electronic communications**

**4.**—(1) Where, within these Regulations—

(a) a person is required to—

(i) send a document, a copy of a document or any notice to another person,

(ii) notify another person of any matter; and

(b) that other person has an address for the purposes of electronic communications;

the document, copy, notice or notification may be sent or made by way of electronic communications.

(2) Where, within these Regulations, a person may make representations on any matter or document, those representations may be made—

(a) in writing; or

(b) by way of electronic communications.

(3) Where—

(a) an electronic communication is used as mentioned in paragraphs (1) and (2); and

(b) the communication is received by the recipient outside that person's normal office hours, it will be taken to have been received on the next working day; and, in this regulation, "working day" means a day which is not a Saturday, Sunday, Bank Holiday(**15**) or other public holiday.

# PART 2

## PRELIMINARY

**Community Involvement Scheme Preparation**

**5.** The persons who are to be engaged in the preparation of a community involvement scheme for the purposes of section 63(3)(a) are those general consultation bodies as appear to the LPA as having an interest in matters relating to the development in the LPA's area.

**Content of Community Involvement Scheme**

**6.** A community involvement scheme must include within it the following matters—

(a) a list of all those general and specific consultation bodies to be involved in the LDP procedure;

(b) the principles of the LDP participation strategy to be adopted by the LPA;

(c) the timing of, and the method by which—

(i) participation will occur at each stage of the LDP procedure, and

(ii) the LPA will respond to the participation process referred to in sub-paragraph (i);

(**15**) Banking and Financial Dealings Act 1971 (c. 80), section 1(1) and schedule 1, paragraph 1.