

Research Briefing
The Planning Series:
02 - Local planning policy

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National Assembly for Wales
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Research Briefing

The Planning Series:

02 - Local planning policy

This briefing provides a quick guide to local planning policy in Wales. It describes how Local Development Plans are prepared and gives a progress update on adopting these plans across the country. It also describes the new category of “Strategic Development Plan” introduced by the Planning (Wales) Act 2015, and provides a list of useful sources of further information.



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1. Who is responsible for local planning policy?

Local planning policies in Wales are set by local planning authorities. The local planning authorities in Wales are the 22 unitary authorities and the three national park authorities, as listed in the appendix. A local planning authority has the legal authority to carry out local planning functions, including developing land use policies and granting planning permission. Local planning policies are set out in the Local Development Plan.

2. What is a Local Development Plan?

The *Planning and Compulsory Purchase Act 2004* introduced a statutory requirement for each local planning authority to produce a Local Development Plan (LDP). The LDP sets out proposals and policies for the future use of all local land, and is the main development plan document in Wales, replacing the previous system of unitary development plans. The LDP covers a period of ten to fifteen years and should reflect national planning policy in Wales.

The *Planning (Wales) Act 2015* will require local planning authorities to have regard to the National Development Framework (see our briefing on national planning policy) when developing their LDPs in future. The National Development Framework replaces the Wales Spatial Plan and is currently due to be approved in autumn 2019. The 2015 Act will also require local planning authorities to have regard to the Strategic Development Plan, if there is one in place for the area (see section 04 below).

Once adopted (completed), LDPs replace all previous development plans and are used as the basis for deciding on planning applications. When compared to unitary development plans, LDPs are intended to be shorter, have greater involvement from the community and to be completed in less time.

All local planning authorities in Wales have either adopted their LDP or are in the process of developing one. As at 1 June 2016, 18 of the 25 local planning authorities had an adopted LDP. Gwynedd and Anglesey are preparing a joint LDP. Local planning authorities are expected to complete the process in approximately four years, although a standard timetable has not been imposed. Local planning authority progress in preparing plans is set out in the appendix.

3. How is a Local Development Plan prepared?

LDPs are prepared in the following stages:

Development of an evidence base

The *Planning and Compulsory Purchase Act 2004* requires the LDP to be “sound”, and for this to be tested by an independent examination. To ensure “soundness”, the local planning authority is required to collect and demonstrate the use of evidence for relevant social, environmental and economic issues. This process starts with identifying the main issues and objectives to be addressed by the LDP. The plan process is described as being “front-loaded” as most of the work in developing evidence and consulting the community is at an early stage before the draft plan is produced.

Delivery agreement

The local planning authority is required to draft a “delivery agreement”, containing a timetable for producing the LDP. The agreement also contains a community involvement scheme outlining the process by which any interested groups, individuals or developers can contribute to the plan. The local planning authority is then required to make the delivery agreement easily available for inspection by members of the public.

Pre–deposit Local Development Plan documents

The local planning authority invites submissions from developers, landowners and the public for sites that could be included for new development or re-development in the LDP. These sites are known as “candidate sites” and are assessed for potential inclusion.

The pre–deposit local plan documents are then prepared. These outline the preferred strategy, options for development sites and areas, area vision, and an initial sustainability appraisal. A six week consultation then takes place. Any individual or interested party can view the documents and make written comments to the local planning authority. These comments can include proposals for alternative sites or areas to be considered for development. Local planning authorities are obliged to consider all comments and proposals, and prepare a consultation report. This report identifies who has commented on the pre–deposit documents, the main issues raised and how the development of the plan has been influenced.

Deposit plan

The local planning authority then prepares the deposit plan, which is a full draft of the LDP. This plan represents the preferred strategy for the area. It is accompanied by the consultation report and a revised sustainability appraisal. Once the deposit plan has been produced, a further six week consultation period allows for any new comments to be submitted.

These comments are known as representations, and can include proposals for new or revised development sites. The local planning authority must publish all the representations it receives. It is the responsibility of those promoting new or revised sites to show that the proper appraisals have been carried out to ensure that such sites are compatible with the emerging LDP.

Submission and independent examination

The local planning authority publishes a final consultation report, which summarises all the main issues raised. The Planning Inspectorate (on behalf of the Welsh Government) then examines the report, the deposit representations, the deposit plan and the final sustainability appraisal report.

The aim of the examination is to ensure that the plan is “sound”, and that the views of all those who have commented have been considered. The tests of “soundness” fall into three categories: procedural, consistency and coherence/effectiveness. Part of the examination process is held in public, with all objectors having the right to appear and be heard.

Inspector’s report

The inspector publishes a report outlining any changes that should be made to the plan, with an explanation of why these changes are needed. The views of the inspector are binding on the local planning authority.

Adoption and monitoring

Within eight weeks of receipt of the inspector's report, the local planning authority is required to adopt the final LDP. From the date of adoption, the High Court allows six weeks for objectors to challenge the plan, but only on the basis of maladministration rather than the content. After adoption, the local planning authority is required to send an annual monitoring report to the Welsh Government. A major review of the LDP should then take place at least every four years to ensure that it remains up to date. Such reviews can lead to the LDP being altered or replaced.

Powers of the Welsh Ministers

The Welsh Ministers have wide-ranging powers in relation to LDPs including; to direct an authority to modify its plan in a specified manner before adoption; to call-in a plan for the Welsh Government's determination; to direct an authority not to adopt the plan where the recommendations of the inspector are considered to be in conflict with national policy and to direct that a plan shall be altered or replaced. The Welsh Ministers can also direct two or more local planning authorities to work together to produce a joint LDP.

4. What is a Strategic Development Plan?

There is no statutory regional planning in Wales at present. However the *Planning (Wales) Act 2015* includes powers for the Welsh Ministers to identify "strategic planning areas" that are larger than individual local planning authorities and for "strategic planning panels" to be established for these areas. These panels will comprise elected members from the constituent local planning authorities. A panel, if established for an area, will then produce a Strategic Development Plan (SDP) that will form part of the formal "development plan" for that area. A SDP will cover cross-boundary issues such as housing and transport. A SDP will also need to take account of the National Development Framework (see our briefing on national planning policy).

Local planning authorities in a strategic planning area must then have regard to the SDP when developing their LDPs. They will only be required to produce a "light" version of an LDP for the part of their area already covered by the SDP.

The previous Welsh Government indicated that there may be a need for no more than three strategic planning areas, and these would only cover parts of Wales (Cardiff, Swansea and the A55 corridor).

5. Key sources

Welsh Government

The [planning section](#) of the Welsh Government's website provides information including:

- National LDP policy: [Planning Policy Wales \(Edition 8, January 2016\) Chapter 2 - Local Development Plans \(PDF 159KB\)](#);
- Technical guidance for preparing an LDP: [Local Development Plan Manual - Edition 2 \(2015\)](#);
- A leaflet aimed at the general public: [Planning your community: a guide to LDPs](#);
- A table showing progress on adopting development plans (as at 31 March 2015): [Progress on adopting development plans](#); and
- A map of Wales showing development plan coverage (as at January 2016): [Development plan coverage](#).

Planning Aid Wales

[Planning Aid Wales](#) is a charitable organisation helping **eligible** individuals and communities to participate more effectively in the planning system. It provides advisory services, including a helpline.

Planning Portal

The [Planning Portal](#) is the UK Government's planning and building regulations resource. It includes information on the planning system in Wales, although some of the content only applies to England.

Research Service

Other planning briefings produced by the Research Service are available on our website: [Research Service](#).

Appendix - Local Development Plan progress summary

Information taken from the Welsh Government website, [Progress on adopting development plans](#) and [Development plan coverage](#), and local planning authority websites, on 1 June 2016.

Planning authority	LDP progress
Isle of Anglesey County Council	Preparing joint LDP with Gwynedd. LDP adoption target date: spring 2017
Gwynedd Council	Preparing joint LDP with Anglesey. LDP adoption target date: spring 2017
Conwy County Borough Council	LDP adopted in October 2013
Denbighshire County Council	LDP adopted in June 2013
Flintshire County Council	LDP adoption target date: February 2018
Wrexham County Borough Council	LDP adoption target date: December 2016
Powys County Council	LDP adoption target date: December 2016
Ceredigion County Council	LDP adopted in April 2013
Pembrokeshire County Council	LDP adopted in February 2013
Carmarthenshire County Council	LDP adopted in December 2014
City and County of Swansea	LDP adoption target date: December 2016
Neath Port Talbot County Borough Council	LDP adopted in January 2016
Bridgend County Borough Council	LDP adopted in September 2013
Vale of Glamorgan Council	LDP adoption target date: September 2016
City of Cardiff Council	LDP adopted in January 2016
Rhondda Cynon Taf County Borough Council	LDP adopted March 2011

<u>Merthyr Tydfil County Borough Council</u>	LDP adopted in May 2011. <u>Review published in April 2016</u> recommending preparation of a replacement LDP
<u>Caerphilly County Borough Council</u>	LDP adopted in November 2010. <u>Preparation of a replacement LDP underway</u> , adoption target date: October 2017
<u>Blaenau Gwent County Borough Council</u>	LDP adopted in November 2012
<u>Torfaen County Borough Council</u>	LDP adopted in December 2013
<u>Monmouthshire County Council</u>	LDP adopted in March 2014
<u>Newport City Council</u>	LDP adopted in January 2015
<u>Snowdonia National Park Authority</u>	LDP adopted in July 2011
<u>Pembrokeshire Coast National Park Authority</u>	LDP adopted in September 2010. <u>Preparation of a replacement LDP underway</u>
<u>Brecon Beacons National Park Authority</u>	LDP adopted in December 2013