

The Planning Series: 2 - Local Planning Policy Research Briefing

February 2019



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The Planning Series: **2 - Local Planning Policy** Research Briefing

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Paper Overview:

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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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.

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* (the 2015 Act) requires 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 2020. The 2015 Act also requires local planning authorities to have regard to the Strategic Development Plan, if there is one in place for the area (see section 4 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 September 2018, 22 of the 25 local planning authorities had an adopted LDP with Gwynedd and Anglesey adopting a joint LDP. A number of planning authorities have also undertaken a review of their adopted LDP and are in the process of preparing a replacement LDP. Progress for each local planning authority is set out in the Appendix.

How is a Local Development Plan prepared?

LDPs are prepared in a number of 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 takes place 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 replaced or altered. LDPs can be replaced in full, known as a replacement LDP, which is subject to the full preparation procedure. Alternatively, LDPs can be altered with the *Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015* providing for a new short form procedure for revisions to LDPs. This can be used where the issues involved are not of sufficient significance to warrant the full procedure.

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; and
- to direct two or more local planning authorities to work together to produce a joint LDP.

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.

As at January 2019, there are no SDPs in place in Wales, however the then Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths, **issued a statement** in December 2017 outlining that she had written to all local planning authorities inviting them to submit proposals for SDPs for each of 3 regions covering North Wales, Mid and West Wales and South East Wales.

Key sources

Welsh Government

The **planning section** of the Welsh Government's website provides information including:

- **Planning policy and guidance homepage;**
- **Planning Policy Wales (Edition 10, December 2018);**
- **Technical Advice Notes (TANs) and Minerals Technical Advice Notes (MTANs); and**
- **Index of Planning Policy Guidance for Wales.**

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.

Senedd Research

Other planning briefings produced by Senedd Research are available on the **Senedd Research website**, and on our blog: **InBrief/planning**.

Appendix: Local Development Plan progress summary

Information taken from local planning authority websites, as at January 2019.

Planning authority	LDP progress
<u>Blaenau Gwent County Borough Council</u>	LDP adopted November 2012. Review published in September 2017 and replacement LDP being prepared.
<u>Brecon Beacons National Park Authority</u>	LDP adopted December 2013. Review published in April 2018 and replacement LDP being prepared.
<u>Bridgend County Borough Council</u>	LDP adopted September 2013. Review published in June 2018 and replacement LDP being prepared.
<u>Caerphilly County Borough Council</u>	LDP adopted November 2010. Preparation of a replacement LDP began but was formally withdrawn in October 2016.
<u>Carmarthenshire County Council</u>	LDP adopted December 2014. Review published in February 2018 and replacement LDP being prepared.
<u>Ceredigion County Council</u>	LDP adopted April 2013. Review published in November 2017 and replacement LDP being prepared.
<u>City and County of Swansea</u>	Deposit LDP under independent examination.
<u>City of Cardiff Council</u>	LDP adopted January 2016.
<u>Conwy County Borough Council</u>	LDP adopted October 2013. Review published in April 2018 and replacement LDP being prepared.
<u>Denbighshire County Council</u>	LDP adopted in June 2013. Review published in December 2017 and replacement LDP being prepared.

<u>Flintshire County Council</u>	LDP being prepared. Consultation on Deposit LDP was due to begin in November 2018.
<u>Gwynedd Council</u>	Joint LDP with Anglesey. Adopted July 2017.
<u>Isle of Anglesey County Council</u>	Joint LDP with Gwynedd. Adopted July 2017.
<u>Merthyr Tydfil County Borough Council</u>	LDP adopted May 2011. Review published in April 2016 and replacement LDP being prepared.
<u>Monmouthshire County Council</u>	LDP adopted March 2014. Review published in March 2018 and replacement LDP being prepared.
<u>Neath Port Talbot County Borough Council</u>	LDP adopted January 2016.
<u>Newport City Council</u>	LDP adopted January 2015.
<u>Pembrokeshire Coast National Park Authority</u>	LDP adopted September 2010. Review published in June 2016 and replacement LDP being prepared
<u>Pembrokeshire County Council</u>	LDP adopted February 2013. Review published in February 2018 and replacement LDP being prepared.
<u>Powys County Council</u>	LDP adopted April 2018.
<u>Rhondda Cynon Taf County Borough Council</u>	LDP adopted March 2011.
<u>Snowdonia National Park Authority</u>	LDP adopted July 2011. Review published July 2016. Short form revision underway.
<u>Torfaen County Borough Council</u>	LDP adopted December 2013. Review published in April 2018 and replacement LDP being prepared.
<u>Vale of Glamorgan Council</u>	LDP adopted June 2017.

Wrexham County Borough Council	LDP being prepared. Adoption target date: Spring 2019.
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