

# **PLANNING AND COMPULSORY PURCHASE ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 6: Wales**

##### ***Section 60: Wales Spatial Plan***

93. **Section 60** introduces a statutory footing for the National Assembly for Wales to prepare, approve and publish a spatial plan for Wales, the Wales Spatial Plan (WSP). The WSP will set out such policies as the Assembly considers appropriate in relation to the development and use of land in Wales. The Assembly is required to carry out consultation in making the WSP. The Assembly must not delegate the function of approving the WSP (which will thus require the approval of the Assembly in plenary session). The Assembly will be required to keep the WSP under review and to revise it when necessary.

##### ***Section 61: Survey***

94. **Section 61** sets out matters which local planning authorities must keep under review as these matters may affect the development of their area or the planning of its development. It replaces the existing survey functions of local planning authorities as set out in sections 11 and 30 of the Town and Country Planning Act 1990.

##### ***Section 62: Local development plan***

95. **Section 62** makes provision for local planning authorities to prepare local development plans (LDPs) setting out their objectives in relation to the use and development of land in their area and their general policies for the implementation of those objectives. More detailed policies for specific areas may also be included. The section sets out matters, including the WSP, to which authorities are to have regard when preparing LDPs. LDPs must be subjected to a sustainability appraisal. The National Assembly for Wales may make regulations about the form and content of LDPs.

##### ***Section 63: Preparation requirements***

96. **Section 63** requires LDPs to be prepared in accordance with a community involvement scheme and a timetable. It defines a community involvement scheme as the local planning authority's policy for involving other persons in the authority's functions under this Part. It requires the authority and the Assembly to attempt to agree the terms of the scheme and timetable and provides a power of direction for the Assembly where agreement is not possible.

***Section 64: Independent examination***

97. This section requires the authority to submit their LDP to the Assembly for independent examination by a person appointed by the Assembly. It states that the purpose of the examination is to examine whether an LDP meets the statutory requirements relating to its content and preparation and whether it is sound.

***Section 65: Intervention by Assembly***

98. **Section 65** allows the Assembly to intervene if it believes that an LDP is unsatisfactory. In such a situation, if the LDP has not been adopted, the Assembly may direct that an authority must modify its LDP. The Assembly may also call the LDP in for approval by it. If an independent examination of the called in LDP is already in process, the person appointed to carry out that examination is required to report to the Assembly, which must publish the person's recommendations. If the Assembly's direction is given before the document has been submitted for examination, it is required to hold an examination.

***Section 66: Withdrawal of local development plan***

99. **Section 66** enables a local planning authority to withdraw an LDP before it is adopted. However, if the LDP has been submitted for independent examination, it can be withdrawn only on the recommendation of the person carrying out that examination or following a direction by the Assembly.

***Section 67: Adoption of local development plan***

100. **Section 67** provides for LDPs to be formally adopted by local planning authorities, either as originally prepared or with modifications (in accordance with the recommendation of the person who carried out the independent examination). The Assembly may direct the authority not to adopt an LDP.

***Section 68: Revocation of local development plan***

101. **Section 68** enables the Assembly to revoke an adopted LDP at the request of a local planning authority.

***Section 69: Review of local development plan***

102. **Section 69** requires a local planning authority to review an LDP at such times as the Assembly may prescribe and to report to the Assembly on the findings of the review.

***Section 70: Revision of local development plan***

103. **Section 70** empowers a local planning authority to revise an LDP at any time. If a review under section 69 indicates that they should do so, or they are directed to do so by the Assembly, then they must carry out a revision. The procedures relating to preparation of an LDP also apply to revisions.

***Section 71: Assembly's default power***

104. **Section 71** enables the Assembly to prepare, revise or approve an LDP if it believes the local planning authority is failing properly to carry out the function itself. The authority must reimburse the Assembly for any expenditure it incurs in exercising these powers.

***Section 72: Joint local development plans***

105. **Section 72** enables two or more local planning authorities jointly to prepare an LDP and sets out the arrangements which are to apply in such a case. If an authority withdraw from an agreement to prepare an LDP jointly, it will be possible for the remaining authority or authorities to continue with the preparation of the LDD provided that the LDP satisfies the conditions required for it to be treated as a "corresponding document".

*These notes refer to the Planning and Compulsory Purchase Act 2004 (c.5) which received Royal Assent on 13th May 2004*

***Section 73: Exclusions of certain representations***

106. **Section 73** reproduces in relation to the making of LDPs by local planning authorities in Wales the effect of section 32 in relation to local development documents.

***Section 76: Annual monitoring report***

107. **Section 76** requires a local planning authority to report annually to the Assembly on the extent to which the objectives set in the LDP are being achieved. It provides a power for the Assembly to prescribe in regulations the timing, form and content of the report.