



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 6

WALES

Spatial plan

60 Wales Spatial Plan

- (1) There must be a spatial plan for Wales to be known as the “Wales Spatial Plan”.
- (2) The Wales Spatial Plan must set out such of the policies (however expressed) of the National Assembly for Wales as it thinks appropriate in relation to the development and use of land in Wales.
- (3) The Assembly must—
 - (a) prepare and publish the Plan;
 - (b) keep under review the Plan;
 - (c) consider from time to time whether it should be revised.
- (4) If the Assembly revises the Plan, it must publish (as it considers appropriate)—
 - (a) the whole Plan as revised, or
 - (b) the revised parts.
- (5) The Assembly must consult such persons or bodies as it considers appropriate in preparing or revising the Plan.
- (6) The Plan and any revision of it must be approved by the Assembly.
- (7) The Assembly must not delegate its function under subsection (6).

Survey

61 Survey

- (1) The local planning authority must keep under review the matters which may be expected to affect the development of their area or the planning of its development.
- (2) These matters include—
 - (a) the principal physical, economic, social and environmental characteristics of the area of the authority;
 - (b) the principal purposes for which land is used in the area;
 - (c) the size, composition and distribution of the population of the area;
 - (d) the communications, transport system and traffic of the area;
 - (e) any other considerations which may be expected to affect those matters;
 - (f) such other matters as may be prescribed or as the Assembly in a particular case may direct.
- (3) These matters also include—
 - (a) any changes which the authority think may occur in relation to any other matter;
 - (b) the effect such changes are likely to have on the development of the authority's area or on the planning of such development.
- (4) The local planning authority may also keep under review and examine the matters mentioned in subsections (2) and (3) in relation to any neighbouring area to the extent that those matters may be expected to affect the area of the authority.
- (5) In exercising a function under subsection (4) a local planning authority must consult the local planning authority for the neighbouring area in question.
- (6) If a neighbouring area is in England references to the local planning authority for that area must be construed in accordance with Part 2.

Plans

62 Local development plan

- (1) The local planning authority must prepare a plan for their area to be known as a local development plan.
- (2) The plan must set out—
 - (a) the authority's objectives in relation to the development and use of land in their area;
 - (b) their general policies for the implementation of those objectives.
- (3) The plan may also set out specific policies in relation to any part of the area of the authority.
- (4) Regulations under this section may prescribe the form and content of the plan.
- (5) In preparing a local development plan the authority must have regard to—
 - (a) current national policies;
 - (b) the Wales Spatial Plan;

- (c) the RSS for any region which adjoins the area of the authority;
 - (d) the community strategy prepared by the authority;
 - (e) the community strategy for any other authority whose area comprises any part of the area of the local planning authority;
 - (f) the resources likely to be available for implementing the plan;
 - (g) such other matters as the Assembly prescribes.
- (6) The authority must also—
- (a) carry out an appraisal of the sustainability of the plan;
 - (b) prepare a report of the findings of the appraisal.
- (7) The community strategy is the strategy prepared by an authority under section 4 of the Local Government Act 2000 (c. 22).
- (8) A plan is a local development plan only in so far as it—
- (a) is adopted by resolution of the local planning authority as a local development plan;
 - (b) is approved by the Assembly under section 65 or 71.

63 Preparation requirements

- (1) A local development plan must be prepared in accordance with—
- (a) the local planning authority's community involvement scheme;
 - (b) the timetable for the preparation and adoption of the authority's local development plan.
- (2) The authority's community involvement scheme is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under this Part of the persons to which subsection (3) applies.
- (3) The persons mentioned in subsection (2)—
- (a) must include such persons as the Assembly prescribes;
 - (b) may include such other persons as appear to the authority to have an interest in matters relating to development in the area of the authority.
- (4) The authority and the Assembly must attempt to agree the terms of the documents mentioned in paragraphs (a) and (b) of subsection (1).
- (5) But to the extent that the Assembly and the authority cannot agree the terms the Assembly may direct that the documents must be in the terms specified in the direction.
- (6) The authority must comply with the direction.
- (7) The Assembly may prescribe—
- (a) the procedure in respect of the preparation of the documents mentioned in paragraphs (a) and (b) of subsection (1);
 - (b) the form and content of the documents;
 - (c) the time at which any step in the preparation of the documents must be taken;
 - (d) publicity about the documents;
 - (e) making the documents available for inspection by the public;
 - (f) circumstances in which the requirements of the documents need not be complied with.

64 Independent examination

- (1) The local planning authority must submit their local development plan to the Assembly for independent examination.
- (2) But the authority must not submit a plan unless—
 - (a) they have complied with any relevant requirements contained in regulations under this Part, and
 - (b) they think the plan is ready for independent examination.
- (3) The authority must also send to the Assembly (in addition to the local development plan) such other documents (or copies of documents) and such information as is prescribed.
- (4) The examination must be carried out by a person appointed by the Assembly.
- (5) The purpose of the independent examination is to determine in respect of a local development plan—
 - (a) whether it satisfies the requirements of sections 62 and 63 and of regulations under section 77;
 - (b) whether it is sound.
- (6) Any person who makes representations seeking to change a local development plan must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.
- (7) The person appointed to carry out the examination must—
 - (a) make recommendations;
 - (b) give reasons for the recommendations.
- (8) The local planning authority must publish the recommendations and the reasons.

65 Intervention by Assembly

- (1) If the Assembly thinks that a local development plan is unsatisfactory—
 - (a) it may at any time before the plan is adopted by the local planning authority direct them to modify the plan in accordance with the direction;
 - (b) if it gives such a direction it must state its reasons for doing so.
- (2) The authority—
 - (a) must comply with the direction;
 - (b) must not adopt the plan unless the Assembly gives notice that it is satisfied that they have complied with the direction.
- (3) But subsection (2) does not apply if the Assembly withdraws the direction.
- (4) At any time before a local development plan is adopted by a local planning authority the Assembly may direct that the plan is submitted to it for its approval.
- (5) The following paragraphs apply if the Assembly gives a direction under subsection (4)
 - (a) the authority must not take any step in connection with the adoption of the plan until the Assembly gives its decision;

- (b) if the direction is given before the authority have submitted the plan under section 64(1) the Assembly must hold an independent examination and section 64(4) to (7) applies accordingly;
 - (c) if the direction is given after the authority have submitted the plan the person appointed to carry out the examination must make his recommendations to the Assembly;
 - (d) the plan has no effect unless it has been approved by the Assembly.
- (6) The Assembly must publish the recommendations made to it by virtue of subsection (5)(b) or (c) and the reasons of the person making the recommendations.
- (7) In considering a plan submitted under subsection (4) the Assembly may take account of any matter which it thinks is relevant.
- (8) It is immaterial whether any such matter was taken account of by the authority.
- (9) The Assembly—
- (a) may approve, approve subject to specified modifications or reject a plan submitted to it under subsection (4);
 - (b) must give reasons for its decision under paragraph (a).
- (10) In the exercise of any function under this section the Assembly must have regard to the documents mentioned in paragraphs (a) and (b) of section 63(1).

66 Withdrawal of local development plan

- (1) A local planning authority may at any time before a local development plan is adopted under section 67 withdraw the plan.
- (2) But subsection (1) does not apply to a local development plan at any time after the plan has been submitted for independent examination under section 64 unless—
- (a) the person carrying out the examination recommends that the plan is withdrawn and that recommendation is not overruled by a direction given by the Assembly, or
 - (b) the Assembly directs that the plan must be withdrawn.

67 Adoption of local development plan

- (1) The local planning authority may adopt a local development plan as originally prepared if the person appointed to carry out the independent examination of the plan recommends that the plan as originally prepared is adopted.
- (2) The authority may adopt a local development plan with modifications if the person appointed to carry out the independent examination of the plan recommends the modifications.
- (3) A plan is adopted for the purposes of this section if it is adopted by resolution of the authority.
- (4) But the authority must not adopt a local development plan if the Assembly directs them not to do so.

68 Revocation of local development plan

The Assembly may at any time revoke a local development plan at the request of the local planning authority.

69 Review of local development plan

- (1) A local planning authority must carry out a review of their local development plan at such times as the Assembly prescribes.
- (2) The authority must report to the Assembly on the findings of their review.
- (3) A review must—
 - (a) be in such form as is prescribed;
 - (b) be published in accordance with such requirements as are prescribed.

70 Revision of local development plan

- (1) The local planning authority may at any time prepare a revision of a local development plan.
- (2) The authority must prepare a revision of a local development plan—
 - (a) if the Assembly directs them to do so;
 - (b) if, following a review under section 69, they think that the plan should be revised.
- (3) This Part applies to the revision of a local development plan as it applies to the preparation of the plan.

71 Assembly's default power

- (1) This section applies if the Assembly thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a local development plan.
- (2) The Assembly must hold an independent examination and section 64(4) to (7) applies accordingly.
- (3) The Assembly must publish the recommendations and reasons of the person appointed to hold the examination.
- (4) The Assembly may—
 - (a) prepare or revise (as the case may be) the plan, and
 - (b) approve the plan as a local development plan.
- (5) The Assembly must give reasons for anything it does in pursuance of subsection (4).
- (6) The authority must reimburse the Assembly for any expenditure it incurs in connection with anything—
 - (a) which is done by it under subsection (4), and
 - (b) which the authority failed or omitted to do as mentioned in subsection (1).

72 Joint local development plans

- (1) Two or more local planning authorities may agree to prepare a joint local development plan.
- (2) This Part applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a joint local development plan as it applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a local development plan.
- (3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a local development plan must be done by or in relation to each of the authorities mentioned in subsection (1) in connection with a joint local development plan.
- (4) Subsections (5) to (7) apply if a local planning authority withdraw from an agreement mentioned in subsection (1).
- (5) Any step taken in relation to the plan must be treated as a step taken by—
 - (a) an authority which was a party to the agreement for the purposes of any corresponding plan prepared by them;
 - (b) two or more other authorities who were parties to the agreement for the purposes of any corresponding joint local development plan.
- (6) Any independent examination of a local development plan to which the agreement relates must be suspended.
- (7) If before the end of the period prescribed for the purposes of this subsection an authority which was a party to the agreement requests the Assembly to do so it may direct that—
 - (a) the examination is resumed in relation to the corresponding plan;
 - (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- (8) A joint local development plan is a local development plan prepared jointly by two or more local planning authorities.

Miscellaneous

73 Exclusion of certain representations

- (1) This section applies to any representation or objection in respect of anything which is done or is proposed to be done in pursuance of—
 - (a) an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the Highways Act 1980 (c. 66);
 - (b) an order or scheme under section 7, 9, 11, 13 or 20 of the Highways Act 1959 (c. 25), section 3 of the Highways (Miscellaneous Provisions) Act 1961 (c. 63) or section 1 or 10 of the Highways Act 1971 (c. 41) (which provisions were replaced by the provisions mentioned in paragraph (a));
 - (c) an order under section 1 of the New Towns Act 1981 (c. 64).
- (2) If the Assembly or a local planning authority thinks that a representation made in relation to a local development plan is in substance a representation or objection to which this section applies it or they (as the case may be) may disregard it.

74 Urban development corporations

The Assembly may direct that this Part (except section 60) does not apply to the area of an urban development corporation.

75 Guidance

In the exercise of any function conferred under or by virtue of this Part the local planning authority must have regard to any guidance issued by the Assembly.

76 Annual monitoring report

- (1) Every local planning authority must make an annual report to the Assembly.
- (2) The annual report must contain such information as is prescribed as to the extent to which the objectives set out in the local development plan are being achieved.
- (3) The annual report must—
 - (a) be made at such time as is prescribed;
 - (b) be in such form as is prescribed;
 - (c) contain such other matter as is prescribed.

*General***77 Regulations**

- (1) The Assembly may by regulations make provision in connection with the exercise of functions conferred by this Part on any person.
- (2) The regulations may in particular make provision as to—
 - (a) the procedure to be followed by the local planning authority in carrying out the appraisal under section 62(6);
 - (b) the procedure to be followed in the preparation of local development plans;
 - (c) requirements about the giving of notice and publicity;
 - (d) requirements about inspection by the public of a plan or any other document;
 - (e) the nature and extent of consultation with and participation by the public in anything done under this Part;
 - (f) the making of representations about any matter to be included in a local development plan;
 - (g) consideration of any such representations;
 - (h) the remuneration and allowances payable to the person appointed to carry out an independent examination under section 64;
 - (i) the time at which anything must be done for the purposes of this Part;
 - (j) the manner of publication of any draft, report or other document published under this Part;
 - (k) monitoring the exercise by local planning authorities of their functions under this Part.

78 Interpretation

- (1) Local development plan must be construed in accordance with section 62.

- (2) Local planning authorities are—
 - (a) county councils in Wales;
 - (b) county borough councils.
- (3) A National Park authority is the local planning authority for the whole of its area and subsection (2) must be construed subject to that.
- (4) The Assembly is the National Assembly for Wales.
- (5) RSS must be construed in accordance with Part 1.
- (6) This section applies for the purposes of this Part.