

TRANSPORT (WALES) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3 (and Schedule 1): Local transport plans

12. [Schedule 1](#) (to which section 3 gives effect) makes a number of amendments to Part 2 (Local Transport) of the Transport Act as it applies to local authorities in Wales.

Local transport plans: Wales

13. [Paragraph 2](#) of the Schedule amends section 108 of the Transport Act so as to require local transport authorities in Wales to include in their local transport plans their policies for implementing, in their area, the Wales Transport Strategy and to carry out their functions to implement those policies.

Approval of local transport plans: Wales

14. The effect of paragraph 4 of Schedule 1 is to insert into the Transport Act a new section (section 109A) which requires local transport authorities in Wales to submit their local transport plans (including any alterations to existing plans) to the Assembly for approval. The introduction of this requirement is intended to provide a mechanism for ensuring that Welsh local transport plans are consistent with the Wales Transport Strategy but it is not otherwise intended to affect the ability of local authorities to decide the content of their plans. The Assembly will be able to provide advice to local authorities on how their emerging plans relate to the Wales Transport Strategy and this should ensure that a refusal by the Assembly to approve a local transport plan would be an exceptional occurrence. If the Assembly refuses to approve a plan (or alteration) it must state its reasons for doing so. As a safeguard against an overly prescriptive approach by Assembly Ministers to local transport plans, any refusal of approval of a plan (and the necessary accompanying statement of reasons for that refusal) will need to be submitted to a vote of Assembly Members in plenary session.
15. In the event that a submitted plan (including any alteration to an existing plan) is not approved the local transport authority is required to submit another plan, which they can modify in the light of the reasons given by the Assembly for the refusal of its predecessor, so as to ensure that a plan is prepared which is mutually acceptable to the authority and to the Assembly.
16. When considering whether to approve a local transport plan (or alteration) the Assembly is required to consider whether it is consistent with the Wales Transport Strategy and contains adequate policies for the implementation of the Strategy in the area to which the plan(or alteration) relates. The Assembly is only permitted to approve a plan (or alteration) if it considers that it satisfies these requirements.

Further and transitional provisions about local transport plans: Wales

17. The amendments to the Transport Act in paragraph 3 ensure that section 109 of that Act will only apply in relation to England. Paragraph 4 also inserts new sections 109B and

109C into the Transport Act, which replace section 109 in relation to Wales. The new section 109B makes further provision about local transport plans in Wales. It provides that any revision to the Wales Transport Strategy will trigger a review of the current local transport plan. It also requires local transport plans to be replaced at intervals of no more than 5 years and obliges local transport authorities in Wales to publish their plan and make it available for inspection.

18. The new section 109C makes transitional provision (to replace that made by section 109 in relation to Wales) by providing for the recognition, as statutory local transport plans, of certain plans prepared by local authorities, in accordance with guidance from the Assembly, prior to the coming into force in Wales on 1 August 2001, of the provisions of the Transport Act relating to local transport plans. Section 109C also modifies the obligation to replace a plan at intervals of no more than five years in respect of those plans. In the case of such transitional plans the date by which they must be replaced will continue to be fixed by order made by the Assembly.

Modification of provisions about plans and strategies: Wales

19. [Paragraph 6](#) inserts a new section 113A into the Transport Act which gives the Assembly the power to make orders modifying the duties of local transport authorities in Wales in relation to local transport plans (and the bus strategies which form part of them) so as to require local transport plans and bus strategies to be prepared for areas which reflect regional patterns of travel instead of local authority boundaries. In determining these areas it is expected that the Assembly would take account of regional patterns of travel generally, including accessibility to work, to public services and to leisure activities. An order will be able to include provision for the necessary administrative arrangements between different local transport authorities where plans are prepared for areas which cut across boundaries.

Directions concerning plans and strategies: Wales

20. [Paragraph 6](#) also inserts a new section 113B into the Transport Act, which enables the Assembly to give directions to local transport authorities in Wales as to the manner in which they are to carry out their functions in relation to local transport plans. These may include directions about the timetable to apply to the process of preparing or altering plans. The Assembly may also direct authorities to take specified action necessary to implement the policies contained in a local transport plan.