
WELSH STATUTORY INSTRUMENTS

2005 No. 2839

The Town and Country Planning (Local
Development Plan) (Wales) Regulations 2005

PART 4

LDP PROCEDURE

Pre-deposit participation

14. Before an LPA complies with regulation 15, it must, for the purpose of generating alternative strategies and options, engage—

- (a) each of the specific consultation bodies to the extent that the LPA thinks that the proposed subject matter of the LDP affects those bodies; and
- (b) such of the general consultation bodies as the LPA considers appropriate.

Pre-deposit public consultation

15. Before an LPA finally determines the content of a deposit LDP in accordance with regulation 17, it must—

- (a) make copies of the pre-deposit proposals documents and a statement of the pre-deposit matters available for inspection during normal office hours at—
 - (i) its principal office, and
 - (ii) such other places within its area as the LPA considers appropriate;
- (b) publish on its website—
 - (i) the pre-deposit proposals documents,
 - (ii) the pre-deposit matters,
 - (iii) a statement of the fact that the pre-deposit proposals documents are available for inspection and the places and times at which they can be inspected;
- (c) send to those bodies identified under regulation 14(a) and (b)—
 - (i) the LPA's pre-deposit proposals documents,
 - (ii) such supporting documents as are relevant to the body to which the documents are being sent,
 - (iii) notice of the pre-deposit matters,
 - (iv) the statement in paragraph (b)(iii); and
- (d) give notice by local advertisement of the—
 - (i) pre-deposit matters,
 - (ii) fact that the pre-deposit proposals documents are available for inspection and the places and times at which they can be inspected.

Public Consultation Representations

- 16.—(1) Any person may make representations about an LPA’s pre-deposit proposals documents.
- (2) Any such representations must be—
- (a) made within a period of 6 weeks starting on the day the LPA complies with regulation 15(a), (c) and (d); and
 - (b) sent to the address and the person (if any) specified, pursuant to regulation 15(d).
- (3) An LPA must consider any representations made in accordance with paragraph (2) before finally determining the content of the LDP proposals to be made available under regulation 17.

Deposit of Proposals

17. The LPA must—
- (a) make copies of the LDP documents, and a statement of the LDP matters, available for inspection during normal office hours at the places at which the pre-deposit proposals documents were made available under regulation 15(a);
 - (b) publish on its website—
 - (i) the LDP documents,
 - (ii) the deposit matters, and
 - (iii) a statement of the fact that the LDP documents are available for inspection and of the places and times at which they can be inspected;
 - (c) send to each of the bodies identified at regulation 14(a) and (b), copies of—
 - (i) the deposit LDP,
 - (ii) the sustainability appraisal report,
 - (iii) the initial consultation report,
 - (iv) a list of such of the supporting documents as in the opinion of the LPA are relevant to the preparation of the LDP,
 - (v) notice of the deposit matters, and
 - (vi) the statement referred to in paragraph (b)(iii); and
 - (d) give notice by local advertisement of the—
 - (i) deposit matters, and
 - (ii) fact that the LDP documents are available for inspection and of the places and times at which they can be inspected.

Representations on deposit proposals of LDPs

18. A person may make representations about an LDP by sending them to the address and the person (if any) specified, pursuant to regulation 15(d) within the period of 6 weeks starting on the day on which the LPA complies with regulation 17(a), (c) and (d).

Handling of representations: deposit

- 19.—(1) This regulation does not apply to a site allocation representation.
- (2) As soon as reasonably practicable after an LPA has received a representation on an LDP under regulation 18, it must—
- (a) make a copy of the representation available at the places at which the pre-deposit proposals documents were made available under regulation 15(a);

- (b) where practicable, publish on its website details of all representations received together with a statement of how they can be inspected in accordance with regulation 15(a).
- (3) An LPA need not comply with paragraph (2) if the representation is made after the period specified in regulation 18.

Handling of representations : site allocation representations

20.—(1) This regulation applies to a site allocation representation.

(2) As soon as reasonably practicable after the expiry of the period in regulation 18, the LPA must—

- (a) make a site allocation representation, and a statement of the matters in paragraph (3), available for inspection during normal office hours at the places at which the pre-deposit proposals documents were made available under regulation 15(a);
 - (b) publish on its website—
 - (i) where practicable, the site allocation representation,
 - (ii) the matters in paragraph (3),
 - (iii) a statement of the fact that the site allocation representation is available for inspection and the places and times at which it can be inspected;
 - (c) send to the bodies identified at regulation 14(a) and (b)—
 - (i) the address of the site to which the site allocation representation relates,
 - (ii) notice of the matters in paragraph (3),
 - (iii) a statement of the fact that the site allocation representation is available for inspection and the places and times at which it can be inspected; and
 - (d) give notice by local advertisement of—
 - (i) the matters referred to in paragraph (3),
 - (ii) the fact that the site allocation representation is available for inspection, and the places and times at which it can be inspected.
- (3) The matters referred to in paragraph (2) are the—
- (a) period within which representations on the site allocation representation must be made;
 - (b) address to which and, where appropriate, the person to whom—
 - (i) written representations, and
 - (ii) representations by way of electronic communications,must be sent.

Representations on a site allocation representation

21.—(1) Any person may make representations on a site allocation representation by sending them to the address and the person (if any) specified, pursuant to regulation 20(2)(b)(ii) within the period of six weeks starting on the day the LPA complies with regulation 20(2)(a), (c) and (d).

(2) As soon as reasonably practicable after an LPA has received a representation on an LDP under regulation 20, it must—

- (a) make a copy of the representation available at the places at which the pre-deposit proposals documents were made available under regulation 15(a);
- (b) where practicable, publish on its website details of all representations received together with a statement of how they can be inspected in accordance with regulation 15(a).

(3) An LPA need not comply with paragraph (2) if the representation is made after the period specified in paragraph 1.

Submission of LDP to the National Assembly

22.—(1) An LPA must not submit the LDP to the National Assembly unless and until it has considered any representations made under regulations 18 and 21.

(2) The documents prescribed for the purposes of section 64(3) are—

- (a) the sustainability appraisal report;
- (b) the community involvement scheme;
- (c) a consultation report setting out—
 - (i) which of the bodies they have engaged or consulted pursuant to regulations 14, 15, 17 and 20,
 - (ii) a summary of the main issues raised in those engagements, consultations and representations,
 - (iii) how those main issues have been addressed in the LDP,
 - (iv) the total number of representations received pursuant to each of regulation 16, 18 and 21,
 - (v) its recommendations as to how it considers the main issues raised in the representations received pursuant to regulations 18 and 21 should be addressed in the LDP,
 - (vi) its recommendations as to how it considers each of the representations received pursuant to regulations 18 and 21 should be addressed in the LDP, and
 - (vii) any deviation from the community involvement scheme;
- (d) a copy of the representations received pursuant to regulations 18 and 21; and
- (e) such supporting documents as the LPA considers relevant to the preparation of the LDP.

(3) Of the documents referred to in paragraph (2)(a) to (c) and (e)—

- (a) four copies of each must be sent in paper form, and
- (b) one copy must be sent electronically, provided that, in the case of documents mentioned or referred to in paragraph (2)(e), it would be practicable to do so.

(4) Of the documents referred to in paragraph (2)(d), one copy of each must be sent in paper form.

(5) The LPA must—

- (a) publish a statement on its website that the LDP has been submitted for examination under section 64(1);
- (b) give notice of the fact by local advertisement;
- (c) make available for inspection during normal office hours at the places at which the pre-deposit proposals documents were made available under regulation 15(a) the documents referred to in paragraph (2)(c) and (e);
- (d) publish the documents referred to at paragraph (2)(c) and, if practicable, (2)(e) on its website;
- (e) give notice to those persons who requested notification when the LDP is submitted to the National Assembly, that it has been so submitted.

Independent examination

23.—(1) At least six weeks before the opening of an independent examination under section 64, the LPA must—

- (a) publish the matters referred to in paragraph (2) on its website;
 - (b) notify any person who has made (and not withdrawn) a representation in accordance with regulation 18 or 21 of those matters; and
 - (c) give notice by local advertisement of those matters.
- (2) The matters referred to in paragraph (1) are the—
- (a) time and place at which the examination is to be held; and
 - (b) name of the person appointed to carry out the examination.
- (3) Before the person appointed to carry out the examination complies with section 64(7), that person must consider any representations made in accordance with regulations 18 and 21.

Publication of the recommendations of the person appointed

24.—(1) The LPA must comply with section 64(8)—

- (a) on or before the day on which the LDP is adopted; or
 - (b) if the National Assembly gives a direction under section 65(1) or (4) after the person appointed has complied with section 64(7), as soon as reasonably practicable after receipt of the direction.
- (2) When the LPA complies with section 64(8), it must—
- (a) make the recommendations of the person appointed, and the reasons given for those recommendations, available for inspection during normal office hours at the places at which the pre-deposit proposals documents were made available under regulation 15;
 - (b) publish the recommendations and reasons on its website; and
 - (c) give notice to those persons who asked to be notified of the publication of the recommendations of the person appointed that they have been so published.

Adoption of an LDP

25.—(1) The LPA must adopt the LDP within eight weeks of receipt of the recommendations and reasons given by the person appointed to carry out the examination unless otherwise agreed in writing by the National Assembly.

- (2) When the LPA adopts an LDP, at the same time it must—
- (a) make available for inspection during normal office hours at the places at which the pre-deposit proposals documents were made available under regulation 15—
 - (i) the LDP,
 - (ii) an adoption statement, and
 - (iii) the sustainability appraisal report;
 - (b) publish the adoption statement on its website;
 - (c) give notice by local advertisement of the—
 - (i) adoption statement,
 - (ii) fact that the LDP is available for inspection; and the places and times at which the document can be inspected;

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- (d) send the adoption statement to any person who has asked to be notified of the adoption of the LDP; and
- (e) send four copies of the LDP and the adoption statement to the National Assembly.

Withdrawal of an LDP

26. As soon as reasonably practicable after an LDP is withdrawn under section 66, the LPA must—

- (a) publish a statement of that fact on its website;
- (b) give notice of that fact by local advertisement;
- (c) notify any body to which notification was given under regulation 15(c) of that fact; and
- (d) remove any copies, documents, matters and statements made available or published under regulations 15(a) and (b), 17(a) and (b), 19(2)(a) and (b), and 20(2)(a) and (b); and
- (e) notify any person who has made (and not withdrawn) a representation in accordance with regulation 18 or 21 of this fact.