
WELSH STATUTORY INSTRUMENTS

2005 No. 2839

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

PART 5

INTERVENTION BY THE NATIONAL ASSEMBLY

Documents to be supplied to the National Assembly

27. An LPA must supply the National Assembly with a copy of every notice published by the LPA in accordance with these Regulations when the notice is first published, together with a copy of every document made available for inspection in accordance with these Regulations.

Direction not to adopt an LDP

28.—(1) Where, in relation to an LDP, the person appointed to carry out an examination under section 64 has complied with subsection (7) of that section, the National Assembly may at any time direct the LPA not to adopt that LDP until the National Assembly has decided whether to give a direction under section 65(1) or (4).

(2) If the National Assembly gives such a direction, the LPA must—

- (a) make the direction 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 direction on its website;
- (c) not adopt the LDP until the National Assembly has notified the LPA of its decision under paragraph (1).

Direction to modify an LDP

29. If the National Assembly gives a direction under section 65(1) in respect of an LDP, the LPA must—

- (a) make the direction 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 direction on its website; and
- (c) at the time it complies with regulation 25, publish and make available for inspection in accordance with that regulation—
 - (i) a statement that the National Assembly has withdrawn the direction, or
 - (ii) the National Assembly's notice under section 65(2)(b).

Section 65(4) directions (call-in)

30.—(1) This regulation, and regulations 31 to 35, apply where the National Assembly gives a direction under section 65(4).

- (2) If the direction is given before the LPA complies with regulation 17—
- (a) the National Assembly must carry out an appraisal of the sustainability of the proposals in the LDP and prepare a report of the findings of the appraisal; and
 - (b) the LPA must—
 - (i) make the direction available for inspection during normal office hours at the places at which the pre-deposit proposals documents were made available under regulation 15; and
 - (ii) publish the direction on its website; and
 - (iii) subject to any necessary modifications, and paragraph 4, comply with the regulations cited in paragraph (3) as if it were preparing the LDP.
- (3) The regulations referred to in paragraph (2)(b)(iii) are regulations 15 to 21 and regulation 24 except paragraph (1) thereof.
- (4) Nothing in paragraph (2)(b)(iii) requires an LPA to repeat any step taken before receipt of the direction.

Changes proposed by the National Assembly to an LDP (call-in)

31.—(1) If the National Assembly proposes to depart from the recommendations of the person appointed to carry out an examination under section 64, it must publish—

- (a) the changes it proposes to make; and
 - (b) its reasons for doing so.
- (2) As soon as reasonably practicable after the National Assembly complies with paragraph (1), the LPA must—
- (a) make copies of the changes and reasons 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;
 - (b) publish on its website—
 - (i) the changes and reasons,
 - (ii) the matters in paragraph (3),
 - (iii) a statement of the fact that the changes and reasons are available for inspection and the places and times at which they can be inspected;
 - (c) send copies of the changes and reasons to the bodies referred to in paragraph (4) and notify those bodies of the matters referred to in paragraph (3); and
 - (d) give notice by local advertisement of the—
 - (i) matters in paragraph (3),
 - (ii) fact that the changes and reasons are available for inspection; and the places and times at which they can be inspected.
- (3) The matters referred to in paragraph (2) are—
- (a) the period within which representations on the changes must be made;
 - (b) the address at the National Assembly to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent; and

- (c) a statement that any representations made may be accompanied by a request to be notified at a specified address of the National Assembly's decision under section 65(9)(a).
- (4) The bodies referred to in paragraph (2)(c) are—
 - (a) each of the specific consultation bodies to the extent that the National Assembly thinks the changes affect those bodies; and
 - (b) such of the general consultation bodies as the National Assembly considers appropriate.

Representations on proposed changes (call-in)

32.—(1) Any person may make representations on the changes the National Assembly proposes to make by sending them to the address and the person (if any) specified, pursuant to regulation 31(3) within the period of six weeks, starting on the day on which the National Assembly complies with regulation 31(1).

(2) Before the National Assembly complies with section 65(9)(a), it must consider any representations made in accordance with paragraph (1).

Publication of the recommendations of the person appointed to carry out the independent examination (call-in)

33. As soon as reasonably practicable after the National Assembly complies with section 65(6), the LPA must—

- (a) make the recommendations, and reasons for those recommendations of the person appointed to carry out the examination available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 15; and
- (b) publish the recommendations and reasons on its website.

National Assembly's decision after section 65(4) direction (call-in)

34. As soon as reasonably practicable after the National Assembly approves, approves subject to modifications, or rejects an LDP in accordance with section 65(9)(a) (as the case may be), the LPA must—

- (a) make available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 15(a)—
 - (i) the LDP and the reasons given by the National Assembly pursuant to section 65(9)(b), and
 - (ii) a decision statement;
- (b) publish the decision statement on its website;
- (c) give notice by local advertisement of the—
 - (i) decision statement,
 - (ii) fact that the LDP and the National Assembly's reasons are available for inspection and the places where and times when the document and reasons can be inspected; and
- (d) send the decision statement to any person who has asked to be notified of the National Assembly's decision under section 65(9)(a).

National Assembly's default power

35. Where the National Assembly prepares or revises an LDP under section 71—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) it must comply with such provisions of Part 6 of the Act and such provisions of these Regulations as—
 - (i) are relevant to the preparation of the LDP or revision, and
 - (ii) if references in those provisions to the LPA were references to the National Assembly; and
- (b) regulations 31 to 35 apply, subject to any necessary modifications and as if references to an LPA were references to the National Assembly.