

Environment, Planning and Countryside Committee

EPC(2) 14-06(p5)

Date: Wednesday 26th October 2006

Time : 9:30 am to 12:30 am

Venue: National Assembly for Wales Office, Colwyn Bay

The Planning (Listed Buildings And Conservation Areas) (Amendment) (Wales) Regulations 2006

Purpose

1. Committee Members are invited to scrutinise the proposed legislation. Please note that the instrument has been provided in English only at this stage given that there are issues for consideration.

2. These Regulations were notified to the Environment, Planning and Countryside Committee via the list of forthcoming legislation and identified for detailed scrutiny (EPC(2)-11-06(p1)) together with a second Statutory Instrument, i.e. Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2006. The draft Amending Order is also the subject of scrutiny at this Committee meeting.

Summary / Recommendations

3. The proposed Regulations amend the Planning (Listed Buildings And Conservation Areas) Regulations 1990 [S.I.1990/1519]. It makes provision for access statements which are required to accompany applications for listed buildings consent.

Background

4. The Planning and Compulsory Purchase Act 2004 is focused on the Government's commitment to reform the planning system in England and Wales. The measures include a series of necessary reforms to improve the predictability of planning decisions.

5. Commencement of a number of the provisions of the Act (including section 42) for the limited purposes of enabling the National Assembly for Wales to make provision by means of secondary legislation has already taken place [The Planning and Compulsory Purchase Act 2004 (Commencement No.1) Order 2004 - SI 2004 No.2097 (C.89)].

6. On 6 June 2006 I issued a Joint Cabinet Written Statement with the Minister with responsibility for Equality. That statement announced the timetable for taking forward this secondary legislation by the end of the current year in further support of the Disability and Equality Duty to be placed on public authorities from December 2006 under the Disability Discrimination Act 2005.

7. In England, secondary legislation came into force in August 2006 in relation to access statements (SIs 2006/1062 and 2006/1063).

Consideration

8. A consultation paper, 'Changes to the Development Control System in Wales' was the subject of a 12-week targeted consultation between 20 July and 28 September 2006. Part 3 and Annex D of the paper covered the matter of requiring mandatory Access Statements. The consultation was intended to offer key interests in Wales an opportunity to comment on the proposals for change. The consultation was also placed on the Assembly web-site and a press notice issued on 19 July. A Draft Report of Consultation on Access Statements is being provided (referred to at paragraph 19 of the Explanatory Memorandum).

8. 51% of responses on the issue of access statements specified their support or favour of statutory access statements; 6% specified they did not want them introduced; whilst 43% just made comments, many of which apply to guidance rather than the statutory instruments.

9. Annexed is a list of key issues raised in the consultation responses to assist your consideration of the draft SI.

10. National planning guidance to complement the two statutory instruments will be required; consideration is being given to the best way of providing this; it will be subject to consultation.

Financial Implications

11. It is anticipated that there will be no additional financial implications for the Assembly Government arising from these Regulations. The cost of processing the Statutory Instrument can be accommodated within existing administration costs budgets.

Cross Cutting Themes

12. An effective development planning system is essential to delivering the National Assembly for Wales's objectives for living communities; for urban and rural regeneration; for improving the country's infrastructure; and for achieving truly sustainable development.

Action for Subject Committee

13. Committee is invited to scrutinise the draft Regulations.

Carwyn Jones AM

Minister For Environment, Planning and Countryside

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