

ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

Date: Wednesday 14 February 2001
Time: 2.00 to 5.00 pm
Venue: Committee Room 3, National Assembly Building

UNITARY DEVELOPMENT PLANS

REVISED GUIDANCE FOR PUBLICATION

Purpose

1. The purpose of this paper is to:

- advise the Committee on the publication of *'Unitary Development Plans Wales'* and *'Unitary Development Plans - a Guide to Procedures'*; and,
- report on the consultation responses and the resultant changes that have been made to the consultation draft documents.

Timing and Recommendations

2. The Committee is asked to note the changes that have been made to the consultation draft and agree to issue the final documents as soon as the necessary arrangements for publication can be made. The document can be viewed on the Assembly Intranet Planning Division website; proposed changes are highlighted.

Background

3. I reported to EPT Committee on 22 June on the proposed consultation on two unitary development plan guidance documents, and wrote to members enclosing copies of the drafts and inviting comments prior to consultation. No changes were requested by members. The two documents are :

- *'Unitary Development Plans Wales'* (to replace *'Planning Guidance (Wales) Unitary*

Development Plans, 1996); and

- **'Unitary Development Plans - a Guide to Procedures'** (to replace UDP guidance in the booklet *'Development Plans - what you need to know'*, 1997).

4. The key aim of these documents is to provide clear guidance in plain language both to facilitate swifter production of clear and slim plans, and to assist understanding the unitary development plan system.

5. Key features are;

- practical measures to speed up plan preparation such as improved project management by local planning authorities and the use of a timetable for preparation,
- effective but not over-lengthy pre-deposit consultations,
- concentration on essential policies and greater use of criteria-based policies,
- simpler language, and emphasis on negotiation to resolve objections.

6. Representatives of each local planning authority and other key organisations were invited to a seminar early last year to discuss what was needed to speed up and improve the preparation of unitary development plans. The report of that seminar was used as a basis for drafting the consultation documents.

Consideration

7. Consultation (31 July to 9 October 2000) was targeted at local planning authorities, local authority organisations and other bodies, and was also published on the Assembly's web-site; standard response forms were provided.

8. The revised guidance in both documents received over-riding support and was considered to be generally satisfactorily clear and beneficial. In particular:

- the measures aimed at **speeding up the plan preparation process** (detailed at para 6 of **doc 4**) were generally well received in principle;
- There was clear general support for the stronger emphasis on **collaborative working**, but there was a desire for stronger guidance on both the procedure and product. This section has been redrafted to improve guidance on consultation and to clarify the national context for collaborative working. Some consultees proposed a system of formal Regional Guidance in Wales, with attendant procedures and Assembly approval.

However, this would add an additional formal tier of plan-making between national and local levels for which no sufficient case has been put forward.

- the other major issue was the implications of the **Human Rights Act** on the UDP process; The Office of the Counsel General has advised that the UDP process is defined by statute which the Assembly at present has no power to modify, and that the UDP guidance can only proceed at the moment on the basis of the existing law.

9. An appraisal of the emerging '*Unitary Development Plans Wales*' guidance has been undertaken which showed that it is compatible with the Assembly's powers, duties and responsibilities.

Compliance

10. '*Unitary Development Plans Wales*' is part of the Assembly's Planning and Minerals Policy document suite, providing statements of policy and guidance on land-use planning matters; ('*Unitary Development Plans – A Guide to Procedures*' is a supporting guidance document intended mainly to assist understanding for those involved in a unitary development plan inquiry). This suite of documents forms a framework for the statutory development plan and development control functions in Wales that have been transferred to the Assembly by the Transfer of Functions Order. The Assembly has the power to do anything incidental to the exercise of its statutory functions (Section 40 of the Government of Wales Act 1998). The courts have accepted that planning guidance comprises a material consideration that local planning authorities have to take into account, where applicable.

11. There are no issues of irregularity or propriety.

Action

12. **The Committee is asked to agree the changes to the two consultation drafts and to the publication of '*Unitary Development Plans Wales*' and '*Unitary Development Plans - a Guide to Procedures*'.**

Contact

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