

Number: WG41053



Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021

Regulations establishing the procedure for the preparation of
Strategic Development Plans and associated matters

Date of issue: 12 October 2020

Action required: Responses by 4 January 2021

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

This consultation is seeking your views on the policy approach for the subordinate legislation required to establish the procedure for Strategic Development Plans (“SDPs”) to be prepared across Wales by Corporate Joint Committees (“CJCs”) and associated matters. The Regulations will be called the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021.

How to respond

This consultation includes a set of specific questions to which the Welsh Government would welcome your response.

Responses are welcome in either English or Welsh and should be sent by e-mail or post to arrive no later than **4 January 2021**.

You can reply in any of the following ways:

Online:

Please complete the online questionnaire on the consultation page of the Welsh Government website:

<https://gov.wales/consultations>

Email:

Please complete the consultation response form available on the consultation page of the Welsh Government website and email to:

planconsultations-b@gov.wales

Post:

Please complete the consultation response form available on the consultation page of the Welsh Government website and post to:

Strategic Development Plan (SDP) Regulations Consultation
Plans Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Development Plans Manual (Edition 3) March 2020:

<https://gov.wales/sites/default/files/publications/2020-03/development-plans-manual-edition-3-march-2020.pdf>

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

<https://www.legislation.gov.uk/wsi/2005/2839/contents/made>

Town and Country Planning (Local Development Plan)
(Wales) (Amendment) Regulations 2015:

<https://www.legislation.gov.uk/wsi/2005/2839/contents/made>

Consultation on Regulations to establish Corporate Joint
Committees (CJC)

<https://gov.wales/consultations>

**Contact
details**

For further information:

Email: planconsultations-b@gov.wales

Tel: Candice Myers on 0300 025 3882

**Also available
in Welsh at:**

<https://llyw.cymru/ymgyngoriadau>

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

E-mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

Contents Page

Section	Page	Paragraph
1. What is this consultation about?	5	1.1
2. What is the current position?		
▪ Strategic Development Plans – the current legal framework	5	2.1 - 2.4
▪ The Local Government and Elections (Wales) Bill (LGEB) – context and implications for SDPs	6	2.5 - 2.7
▪ Why are the SDP regulations required?	6	2.8
3. Future work and consultation		
▪ SDP Guidance Document	6 - 7	3.2 - 3.4
▪ Local Development Plan ‘Lites’		3.5 - 3.6
4. What are we proposing? The policy intent, broad scope, and principles of the SDP regulations	7 - 8	4.1 - 4.4
Stage 1: The Community Involvement Scheme (incorporating a timetable for plan preparation)	8 - 9	4.6 - 4.7
Stage 2: Pre-Deposit Engagement	9 - 10	4.8 - 4.11
▪ The call for candidate sites		
▪ Generating issues and options and engagement		
Stage 3: Preferred Strategy – Pre-Deposit Public Consultation & Summary of Responses Received	10 - 11	4.12
Stage 4: The Deposit Plan – Public Consultation and Summary of Responses Received	11 - 12	4.13
Stage 5: Submission of the Deposit Plan for Public Examination & Adoption	12 - 13	4.14 - 4.20
Stage 6: Monitoring, Review and Revision	13 - 14	4.21 - 4.23
▪ Annual Monitoring Reports		
▪ The Review and Revision Process		
Other procedural matters and considerations		
▪ Withdrawal of an SDP	14	4.24
▪ Withdrawal in the absence of a direction	14 - 15	4.25 - 4.27
▪ Intervention of the Welsh Ministers	15	4.28
Annex 1 : Proposed Definition of Specific and General Consultation Bodies	16	-

1. What is this Consultation About?

1.1 This consultation is seeking your views on our policy intent for the subordinate legislation required to establish the procedure for SDPs to be prepared across Wales by CJsCs. The Regulations will be called the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 (“the SDP Regulations”).

2. What is the current position?

Local Development Plans and Strategic Development Plans – the current legal framework

2.1 Local Development Plan (“LDP”) preparation and adoption is governed by provisions in Part 6 of the Planning and Compulsory Purchase Act 2004 (“the PCPA”). The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, as amended (“the LDP Regulations”), made under that Part, set out the procedure for the preparation of local development plans (“LDPs”) by local planning authorities (“LPAs”). The LDP Regulations have to date facilitated the adoption of 22 initial LDPs and 3 LDP first revisions in Wales.

2.2 The Planning (Wales) Act 2015 (“PWA”) gained Royal Assent on 6th July 2015. Amongst other things, it amends Part 6 of the PCPA for the purpose of introducing SDPs, to be prepared by governance bodies called Strategic Planning Panels (“SPPs”) on the basis of either a voluntary approach by two or more LPAs or a Ministerial direction. It also makes additional provision so that LDPs must be in general conformity with the National Development Framework for Wales (“the NDF”) and any SDP prepared in relation to the geographical area in question, while the SDP itself must similarly be in conformity with the NDF.

2.3 The policy intent in respect of SDPs is to introduce a more strategic approach to plan making at a scale greater than individual LDPs. There is an identified need to improve how the planning system addresses issues that cross local authority boundaries, to reflect how people live their lives today and in the future. SDPs will provide a more consistent, cost effective and efficient approach to plan making, with key decisions taken once at the strategic level. This will allow larger than local issues such as housing numbers, strategic housing allocations, strategic employment sites, strategic green infrastructure routes, supporting transport infrastructure which cuts across a number of LPA areas to be considered and planned for in an integrated and comprehensive way. This will result in more efficient and effective planning outcomes for communities.

2.4 The provision in Part 6 of the PCPA which is related to SDPs is made up of procedural provision and powers conferred on the Welsh Ministers for the purposes of making further procedural provisions in regulations. In summary, the key provisions are:

- Section 60H (survey)
- Section 60I (duty to prepare, plan objectives, conformity requirements of an SDP, issues to which the SPP must have regard, Sustainability Appraisal requirements, adoption/when the plan has effect, end date provisions)
- Section 60J (application of various provisions applicable in the context of LDPs to SDPs).

The Local Government and Elections (Wales) Bill (LGEB) – context and implications for SDPs

2.5 The Local Government Elections Bill (“LGEB”) was introduced into the Senedd in November 2019. It introduces CJs as the Welsh Ministers’ preferred means of preparing an SDP, in place of SPPs. Accordingly, the Welsh Ministers intend to introduce amendments to the LGEB which will in turn amend Part 6 of the PCPA, so that the provisions relevant to SDPs are replicated in all material respects, albeit in a new context where the CJC is the sole body responsible for their preparation.

2.6 The LGEB confers a power on the Welsh Ministers to establish CJs via regulations. The Minister for Housing and Local Government has confirmed the Welsh Government’s intention to establish the first CJs as soon as possible. These CJs will exercise functions relating to the preparation of an SDP, to the development of Regional Transport plans and in addition, will include a power to promote or improve the economic well-being of its area.

2.7 A consultation on the draft regulations establishing the CJs is being undertaken in parallel with this consultation. This consultation seeks comments on the SDP Regulations alone. Should you wish to make any views on the regulations establishing CJs, please do so via the link below:

<https://gov.wales/consultations>

Why are the SDP Regulations required?

2.8 The SDP Regulations are necessary for the purpose of making procedural provisions which supplement and bolster that which is set out in Part 6 of the PCPA. This will enable SDPs to be prepared by CJs and given full effect in accordance with Welsh Government policy.

3. Future work and consultation

3.1 This consultation is concerned with the proposed approach for the drafting of SDP Regulations (see Section 4). It is important to note that there will be future opportunities to engage and influence future guidance and legislation that will assist in the preparation and implementation of an SDP.

SDP Guidance Document

3.2 Welsh Government guidance in the Development Plans Manual ‘the DPM’ gives detailed practical and procedural guidance to LPAs, expanding on and explaining the regulations and procedural issues where relevant. The DPM was subject to a 12 week public consultation and was published in March 2020. The DPM (Chapter 10) contains guidance on the Government’s vision, expectations and policy priorities for SDPs. It also provides the context for the preparation of the SDP Regulations as set out below:

- The development plan hierarchy, definition of ‘general conformity’ and the relevant legislation applicable to plan preparation (paras 2.3-2.21)
- Tests of Soundness – applicable to SDPs (Table 27 page 166)

- Chapter 10: 'Strategic Development Plans' sets out the Government's intention that the Regulations will largely mirror the LDP process. The DPM indicates (Table 36, DPM) that subject to public consultation which LDP Regulations are unlikely to apply to an SDP, as well as key aspects, both in legislative terms and expected plan content.

3.3 The DPM gives a strong steer on the content of an SDP and much of the guidance in terms of the key plan stages, preparation and examination procedures, SEA requirements, the 'soundness' tests and evidence base requirements will continue to remain relevant to the process we are proposing for an SDP. It is the intention to prepare specific SDP guidance to assist the CJC relevant to the scale of an SDP and the regulations when they come into force.

3.4 Welsh Government will produce guidance relevant to the preparation of an SDP that will be the subject of public consultation and engagement with CJCs / LPAs and key stakeholders before it is formally published. In addition, a revised Development Plan Community Guide setting out the development plan hierarchy, preparation process and the timings and methods of engagement is also due to be published in summer 2021 for use by local communities, businesses and stakeholders.

Local Development Plans prepared underneath an SDP

3.5 In areas with an adopted SDP, an LDP will still need to be prepared. LDPs prepared under an adopted SDP will be more focussed in nature, dealing with local issues and policies, and will identify site specific allocations, prepared in general conformity with the adopted SDP. They will be shorter and more focused in nature and will be prepared and adopted in around two years. For this purpose, fresh regulations will be required. For the purposes of differentiation in this document and future guidance the LDPs prepared under an SDP are called Local Development Plan 'Lites' (LDPL).

3.6 Welsh Government currently anticipates that work will start on these regulations in spring 2021 with a view to the regulations coming into force by spring/summer 2022. A specific consultation and engagement with LPAs on the 'LDP Lite' regulations will be undertaken before the regulations are finalised.

4. What are we proposing? The policy intent, broad scope, and principles of the SDP regulations

4.1 The purpose of this consultation is to seek comments on the policy intent of the SDP Regulations. All comments received will assist us to shape and finalise those Regulations.

4.2 It is considered that the current statutory process works effectively and is generally well understood by all users of the system. It is the policy position that it is appropriate that the SDP Regulations should largely mirror (except those contained in paragraph 4.4) the key stages and plan preparation requirements of the PCPA and associated LDP Regulations, where relevant and applicable to do so. A link to the LDP regulations has been provided on page 2. The key difference between an LDP and an SDP is one of scale and this principle will be reflected in the SDP Regulations.

4.3 In addition, a Sustainability Appraisal (SA) incorporating a Welsh Language Assessment and Strategic Environmental Assessment (SEA) are statutory requirements of the plan making process. All plans are subject to the principles and ways of working of the Well-being of Future Generations (Wales) Act (WBGWA) 2015. These provisions will apply equally to an SDP as they do an LDP.

Provision in the LDP Regulations which is not intend for inclusion in the SDP Regulations

4.4 Due to the strategic nature of an SDP the following stages of LDP preparation will not be taken forward:

- It is proposed not to have a short form procedure to prepare an SDP equivalent to that set out in Part 4A of the LDP Regulations. This procedure is considered appropriate where there are very limited alternatives to the strategy of a plan, options, policies etc. However, due to the strategic nature of an SDP, its complexity, degree of influence, breadth of potential options, strategies and locations for change, this approach would not be appropriate.
- Joint plan provisions equivalent to those in Part 6 of the LDP Regulations will not be applied to an SDP, as by its nature an SDP is a strategic approach to planning covering several LDPs areas.

4.5 This document sets out the proposed key stages and plan preparation requirements for the SDP regulations and asks relevant questions. When responding to the questions, can you please be clear on why you are agreeing or disagreeing and the changes you propose.

Q1 Do you agree the SDP Regulations should broadly mirror the key stages and plan preparation requirements set out in the LDP Regulations, subject to the exceptions referred too?

If not, please explain why

Stage 1: The Community Involvement Scheme (incorporating a timetable for plan preparation)

4.6 A core aim for the development plan system in Wales is early, effective and meaningful community involvement in the process with the aim of building a broad consensus on the spatial strategy, policies and proposals. This principle applies to both LDPs and SDPs.

4.7 Before work on the SDP formally commences, the CJC must engage with its communities, including general and specific consultation bodies, on the content of a Community Involvement Scheme (“CIS”) and timetable for plan preparation, collectively called the Delivery Agreement (“DA”). This will be the key mechanism setting out how and when communities will be involved in the SDP process so they can effectively shape and influence their area. A proposed list of the general and specific consultation bodies is contained within Annex 1. The following principles will be reflected in the SDP Regulations:

- The DA and any subsequent revision must be agreed by resolution of the CJC and submitted to the Welsh Ministers for approval. A CJC cannot commence formal plan preparation until a DA has been agreed. The regulations will specify that Welsh Government must respond within 4 weeks of a request to agree the DA. Agreement of the DA marks the formal start of the plan preparation / revision process. The CJC is committed to the stated timescales and consultation processes.
- The DA must set out how, when and where communities can engage in the SDP process, including engagement in the SA and monitoring procedures.
- The DA will set out the timescales for each stage in the plan preparation process. The stages proposed are explained in this consultation document.
- The DA must set out how any responses and representations received at each stage of engagement / consultation will be published and taken into account by the CJC.
- Publication arrangements for the DA and where it can be accessed.
- There will be an emphasis throughout the regulations on the use of electronic communications. However, provision will still be made for key documents to be available in hard copies at principle offices and key locations specified by the CJC in the CIS.

Q2 Do you agree with the proposed approach to the Community Involvement Scheme (CIS) and Delivery Agreement (DA)?

If not, please explain why

Q3 Do you agree with the list of general and specific consultation bodies listed in Annex 1?

If not, who else do you think should be considered for inclusion and why?

What are the key stages of engagement on the emerging plan?

4.8 It is proposed that an SDP should be capable of being prepared and adopted within 4 years, similar to the current LDP process. The only difference is one of scale on the issues being considered. The key aim is to devise a legislative process that is not unduly long or complicated, and provides opportunities for communities and stakeholders to influence and make representations at key stages of the emerging SDP.

4.9 In addition, the requirements in respect of sustainable development provided for by the WCFGWA will also be central to the preparation of an SDP. The requirements of the Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) and impacts of development on the Welsh language will form an integral part of SDP preparation and engagement. It is proposed that the statutory SA/SEA requirements will be fully integrated into the SDP process and provide the framework, options and evidence necessary to help inform the SDP spatial strategy and policy choices.

4.10 Four years is considered a reasonable time to prepare a robust evidence base and allow opportunities for public engagement to test and seek views on the issues and

options, spatial strategy, proposed allocations and supporting evidence in a robust and transparent manner, including alignment and integration with SA and Welsh language requirements. On this basis, it is proposed to retain a two stage approach as set out in the current LDP regulations. There will be a preferred strategy and a deposit plan before the SDP is submitted for public examination.

Stage 2: Pre-Deposit Engagement – the CJC will ask for sites to be included and consider a range of strategies and options

4.11 Effective public involvement at the preferred strategy stage is essential for meaningful community and stakeholder involvement. Early discussion on the evidence base, strategic options, strategy and related proposals, including strategic locations and sites, will be critical for consensus building and to ensure there are no major impediments to the delivery of the preferred strategy. Consultation with specific and general consultation bodies is essential. The following principles will be reflected in the regulations:

- **The call for strategic locations and sites** will form the initial building blocks of the SDP. The regulations will specify that a ‘call for strategic locations and sites’ must be undertaken before a CJC can formally consult on its Preferred Strategy. Strategic locations and sites can either be proposed by the CJC or by other interested parties. All strategic locations and sites received will be published in a ‘Candidate Strategic Locations and Sites Register’, which will be published alongside the Preferred Strategy, enabling people to comment. The CJC must consider any strategic locations and sites submitted before determining the content of the Deposit Plan. The SDP Regulations will not preclude a further ‘call for strategic locations and sites’ before the Deposit Stage if the CJC consider it appropriate.
- **Generating issues and options and engagement** – The regulations will set out that before a CJC finalises and formally consults on its Preferred Strategy, it must engage with specific and general consultation bodies, and others as the CJC thinks appropriate (as set out in the CIS) on the range of strategies and options considered and seek views on them. The regulations will be flexible in this respect and it will be for the CJC to decide on the specific detail on what it consults on at this stage in the process. However, compliance with the participation and public consultation requirements of the SDP Regulations must also meet the requirements of the SEA Regulations to ensure reasonable alternatives to the plan are identified and evaluated.

Stage 3: Preferred Strategy – Pre-Deposit Public Consultation & Summary of Responses Received

4.12 The Preferred Strategy is the first statutory consultation stage in the SDP process. The Preferred Strategy and supporting evidence will be subject to a minimum of 6 weeks statutory consultation. It sets out the broad approach to the scale and location of growth and ensures development is planned in a sustainable manner. It provides the strategic framework for more detailed policies, proposals and specific land use allocations, which will subsequently be included in the Deposit SDP. The regulations will specify that it must contain a preferred spatial strategy, options and proposals for the

SDP and the implications of these, with earlier alternatives and implications made explicit (See also SA and Stage 2). The following principles will be reflected in the regulations:

- Publication arrangements and locations where people can access documents, i.e. electronically or in hard copy at principal offices of the CJC and the LPAs within the CJC geographical area.
- Minimum content and documentation requirements including; the Preferred Strategy, supporting evidence as the CJC considers appropriate, initial SA report, strategic locations and sites register and any review report. The Preferred Strategy will contain policies and reasoned justification.
- A list of general and specific consultees to be engaged (see Annex 1) in addition to any general consultation body that the CJC considers have an interest in matters relating to the development of the CJC area. This will also include mandatory consultation with any neighbouring CJC and LPA.
- Details about the submission and handling of representations which must be made in the timescales set out by the CJC and sent to the address specified, either in hard copy or electronically.
- The CJC must consider any representations made in relation to the Preferred Strategy before determining the content of the Deposit Plan.
- Following consultation on the Preferred Strategy, the CJC must prepare a Consultation Report setting out the number of representations received, including who it has engaged and notified, and summarise the main issues raised in and responses from all engagement and consultations up to this point. The Consultation Report must set out to what extent the issues raised have been addressed before finalising the content of the Deposit Plan. This ensures there will be a transparent audit trail for communities to understand how their comments have been taken into account in the SDP process.

Stage 4: The Deposit Plan – Public Consultation and Summary of Responses Received

4.13 The Deposit Plan is the plan the CJC considers ‘sound’ and intends to submit for examination following consultation and is able to be adopted. The Deposit Plan must be consulted on for a minimum of 6 weeks. It will include the final spatial strategy for all land uses, including strategic site allocations. It will be supported by a proposals map / maps. It will be accompanied by a supporting evidence base and final SA/SEA reports. All policies and proposals that have a spatial implication will be reflected on an OS based proposals map / maps. The Deposit Plan will contain policies and reasoned justification for the range of topic areas relevant to the CJC area. The following principles will be reflected in the regulations:

- Publication arrangements and locations where people can access documents and representations received, i.e. electronically or in hard copy at principal offices of the CJC and LPAs within it.
- Minimum content and documentation requirements including the Deposit Plan, supporting evidence as the CJC considers appropriate, SA report, Habitats Regulations Assessment report, updated strategic locations and sites, the consultation report and any review report.

- Details about the submission of and handling of representations which must be made in the timescales set out by the CJC, and sent to the address specified, either in hard copy or electronically.
- Following consultation on the Deposit Plan and before the plan is submitted for examination, the CJC must update the Consultation Report setting out which bodies the CJC has engaged, consulted or notified at Deposit stage. A summary of the main issues raised, responses and representations made as a result of the engagement, consultations or notification. The total number of representations received and the CJC's recommendations as to how it considers the main issues raised through each of the representations received should or should not be addressed in the SDP. This will be considered during the examination process. The report will set out if there has been any deviation from the community involvement scheme and robust explanation and justification for doing so.

Q4 Do you agree with the two stage preparation and consultation approach proposed at Preferred Strategy and Deposit?

If not, please explain why and what alternative approach you would suggest?

Q5 Do you agree with the particular elements of the procedures and requirements proposed for SDP preparation including proposals from pre-deposit to Deposit stage?

If not, please explain why

Stage 5: Submission of the Deposit Plan for Public Examination & Adoption

4.14 The CJC must not submit the SDP to Welsh Ministers unless it has considered all the representations made at Deposit Stage. The CJC's response to the representations received at Deposit will be documented in the updated Consultation Report.

4.15 The Consultation Report will be considered as part of the examination process, during which the Planning Inspectorate will consider the plan and supporting evidence on behalf of Welsh Ministers. When a plan is submitted for examination, the plan is within the remit of the Planning Inspectorate.

4.16 The SDP regulations will specify the notification, publication and documentation requirements for submitting the plan for examination. This will ensure that all interested parties are aware of the examination procedures, the name of the appointed inspector and the timescales and venue/s for the examination hearings. The specific examination submission documents are:

- The Deposit Plan and supporting proposals map/s
- All relevant supporting evidence relating to the preparation of the SDP
- Updated Consultation Report containing the summary of issues raised and representations received at Stages 2-4 and the CJC response (see paragraphs 4.12 - 4.13)
- Updated SA and HRA reports

- Any relevant Review Report
- 'Strategic locations and sites' register
- Copy of the representations received at Deposit Stage
- The Delivery Agreement

4.17 The appointed inspector must consider all 'duly made' representations and determine if the SDP is 'sound'. The function of the examination is to assess whether the preparation requirements have been followed and whether the submitted LDP meets the tests of soundness. The soundness tests are contained in Table 37 of the DPM and will remain relevant for an SDP, albeit they will be updated in the guidance produced in respect of the preparation of an SDP.

4.18 When the examination process has concluded, the Inspector will make binding recommendations (in the Inspectors Report), either to adopt the plan as it is or with the changes set out. The CJC may adopt the plan, based on the Inspectors changes, within 8 weeks of receiving the report. The CJC must publish the Inspectors report (on its website and at principal locations) on or before the day the SDP is adopted.

4.19 Following adoption of the SDP, the CJC must prepare an Adoption Statement which will state the date the SDP is adopted and make clear that if a person is aggrieved by the SDP they may make an application to the High Court under Section 113 of the PCPA. This section provides that a person can make a legal challenge in the 6 weeks following the date of adoption. The CJC will publicise the adoption and notify all those who have asked to be notified and set out the availability of key documents. The CJC will make the following documents available online and at the key locations identified by the CJC:

- The SDP & Proposals Map/s
- Adoption Statement
- The SA Report
- The Inspectors Report

4.20 The CJC must send one hard copy of the SDP and Adoption Statement to Welsh Ministers.

Q6 Do you agree with the proposed approach for submission, examination and adoption of an SDP?

If not, please explain why

Stage 6: Monitoring, Review and Revision

4.21 Monitoring is a continuous process and does not end once a plan is adopted. It represents an essential feedback loop within the cyclical process of achieving sustainable development. Monitoring and review should be an ongoing function of the plan led system and is a vital aspect of evidence based policy making.

Annual Monitoring Reports

4.22 The CJC (following resolution) must publish and send an Annual Monitoring Report (“AMR”) to the Welsh Ministers by 31st October each year following adoption. The SDP regulations will state:

- That the AMR must set out what policies are not being implemented, including any remedial actions to address any deficiencies.
- The AMR will conclude on whether a revision of the SDP is required.
- The AMR should be published on the CJC website.

The Review and Revision Process

4.23 The AMR should assess the extent to which the plan’s strategy and key policies, sites and infrastructure requirements are being delivered. Each AMR will be based on the results and commentary of the preceding financial year. This will enable trends to become clear with more refined commentary and analysis. This will assist the CJC in having documentation to inform the review and revision of the SDP. The SDP regulations will specify that:

- The CJC must review its LDP no longer than 4 years from the date of adoption. A CJC can decide to review its plan earlier if evidence from the AMR, or publication of the National Development Framework suggests this is the most prudent course of action to deal with the issues, or to make the SDP in conformity with the NDF.
- When the CJC commences a review of its SDP it must, within 6 months of commencing a review, submit a Review Report to Welsh Ministers. The Review Report must be agreed by resolution of the CJC before it is submitted to Welsh Ministers.
- The content of the Review Report will be set out in guidance, currently the DPM.

Q7 Do you agree with the proposed approach to monitoring, review and revision of an SDP?

If not, please explain why

Other procedural matters and considerations

Withdrawal of an SDP

4.24 The SDP regulations will contain detail about the application, notification and publication procedures in respect of withdrawal of an SDP.

Withdrawal in the absence of a direction

4.25 A CJC may withdraw an emerging SDP before it is submitted for examination. The CJC must notify Welsh Ministers of its intention to withdraw the plan prior to the actual withdrawal. The SDP Regulations will state that if a CJC intends to withdraw and cease work on its SDP, within 7 days of the CJC resolution to withdraw, the CJC must supply Welsh Ministers with the following:

- Planning reasons for withdrawal of the SDP
- A copy of the report to the CJC recommending the proposed withdrawal
- A copy of the resolution to withdraw the SDP

4.26 The Welsh Ministers can by direction ask for additional information if what is provided is not sufficient or does not comply what is required, and extend the time period to respond beyond the 6 weeks that is specified.

4.27 Where an SDP is withdrawn, the SDP Regulations will also specify the notification and publication arrangements for the withdrawal to make clear to stakeholders that the plan is withdrawn. As soon as reasonably practical after an SDP is withdrawn, the CJC must publicise the fact and remove all documents relating to the plan from the public domain.

Q8 Do you agree with the proposed approach for SDP withdrawal?

If not, please explain why

Intervention by the Welsh Ministers

4.28 The SDP Regulations will set out the procedures, publication and notification arrangements for the application of the Welsh Ministers' powers of intervention. If in exceptional circumstances powers of intervention are used in the SDP process, Welsh Ministers will operate in a transparent manner and the regulations will make provision on:

- Publicising the reasons and rationale for using intervention powers
- The procedures to be followed in the remaining plan process
- Where and how people can make comments and the timescales for doing so
- How and where documentation can be accessed
- Welsh Ministers must give due consideration to any representations received
- If a person is required to be appointed to examine the plan, this will follow a transparent process, akin to current examination procedures, and a report will be published setting out the conclusions and rationale for them.

Q9 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please report them

Annex 1: Proposed Definition of Specific and General Consultation Bodies

The SDP Regulations will define the minimum specific and general consultation bodies to be engaged in the SDP process. Note that these are the minimum requirements and the CJC through its CIS will specify the specific and general consultation bodies and other interest groups as it considers appropriate and relevant to the CJC area. The proposed definition is as follows:

Specific Consultation Bodies:

- Any other CJC whose area adjoins the area of the CJC
- Any LPA whose area is in or adjoins the area of the CJC
- The Natural Resources Body for Wales – NRW
- Network Rail Infrastructure Limited – where relevant
- Welsh Ministers
- Any Community Council whose area is in or adjoins the area of the CJC
- A person to whom a license has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
- A person to whom a license has been granted under section 7(2) of the Gas Act 1986
- Local Health Board
- Sewerage Undertaker
- Water Undertaker

General Consultation Bodies:

- Voluntary bodies, some or all of whose activities benefit any part of the CJC area
- Bodies which represent the interests of different racial, ethnic or national groups in the CJC area
- Bodies which represent the interests of different religious groups in the CJC area
- Bodies which represent the interests of disabled persons, within the meaning of the Equality Act 2006 in the CJC area
- Bodies which represent the interests of persons carrying on business in the CJC area
- Bodies which represent the interests of Welsh culture in the CJC area