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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of response

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

March 2021

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

Summary of responses

1. Introduction

1.1 The Welsh Government undertook a 12 week public consultation on the policy approach to establish the Strategic Development Plan (SDP) Regulations (“the SDP Regulations”) from 12 October 2020 to 4 January 2021.

1.2 The SDP Regulations will be formally known as the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 and will set out the procedure for SDPs to be prepared across Wales by Corporate Joint Committees (CJCs). These committees will have sole responsibility for the preparation, monitoring and revision of SDPs across the four regions of Wales. Consultation on the draft regulations to establish CJCs was undertaken in parallel with this consultation as both consultations complement each other, with one relating to the governance and operation of CJCs and the other on the plan preparation procedures for SDPs.

1.3 The policy intent in respect of SDPs is to introduce a more strategic approach to planning at a scale greater than individual Local Development Plans (LDPs). By improving how the planning system addresses issues that transcend local authority boundaries, reflecting how people live their lives today and in the future, the SDP will provide a more efficient approach to plan making with key decisions taken once at the regional level. These key decisions on larger than local issues such as housing numbers, strategic housing and employment allocations, strategic green infrastructure routes and supporting infrastructure will be considered and planned for in an integrated and comprehensive way through an SDP.

1.4 This consultation report provides a summary of the responses received to the consultation on the policy approach to establish the SDP Regulations and includes the Welsh Government’s response to the matters raised. The results of this analysis have assisted in shaping and finalising the SDP Regulations before their formal publication.

2. Publicity

2.1 Welsh Government guidance in the Development Plans Manual (DPM) sets out the context for preparation of the SDP Regulations. The DPM also included the Government’s intention that the regulations would largely mirror the LDP process and identified those aspects that were unlikely to apply to an SDP. The DPM was subject to a 12-week public consultation and was published in March 2020.

2.2 The consultation on the policy intent of the SDP Regulations was published on the Welsh Government website throughout its 12-week duration. The Welsh Government maintains a database of key stakeholders in the planning system; all stakeholders were notified of the consultation by e-mail on 12 October 2020. This included Local Authority Heads of Planning and Chief Executives, statutory consultees and other interested bodies.

3. Consultation Responses

3.1 The consultation comprised of 9 questions to stimulate stakeholder engagement on the SDP Regulations. The questions focussed on the policy intent of the regulations and key stages in the SDP preparation process with an open-ended question for stakeholders to make any general observations.

3.1 A total of 40 responses were received to the consultation. The largest respondent type was Local Planning Authorities (LPAs) with 17 responses followed by government agency and other public sector bodies with 14 responses, mostly from Community and Town Councils. Of the local planning authorities that responded, a single response was received on behalf of all three National Park Authorities (NPAs) and another from all nine authorities in the South East Wales Strategic Planning Group (SEWSPG). Together, the responses from LPAs and government agency and other public sector bodies represented 78% of all the responses received. The remaining responses provided a broad range of views from professional bodies and businesses to other groups and individuals.

3.2 A summary of respondents by type is set out below in Table 1 with a full list provided in Annex 1.

Table 1: Respondents to the SDP Regulations Consultation by Type

Respondent Type	Number of Responses	Percentage
Businesses	4	10%
Local Planning Authority	17	43%
Government Agency / Other Public Sector	14	35%
Professional Bodies / Interest Groups	3	7%
Voluntary sector	0	0%
Other	2	5%
Total	40	100%

4. Summary of Responses by Question

4.1 A summary analysis of the key findings for each consultation question is set out below and is followed by the Welsh Governments response. Some comments received were outside the scope of this consultation as they relate to the governance and operation of CJsCs. These issues will be considered in detail in a separate summary of responses report to the CJC Regulations consultation. Where possible, all other responses have been incorporated into the analysis and this has assisted in shaping and finalising the SDP Regulations and will influence the content of future guidance where appropriate. Future guidance prepared by Welsh Government will be subject to public consultation and engagement so that key stakeholders and other interested parties will have the opportunity to comment before it is published.

Question 1: 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 to?

Statistical Overview

Respondent Type	Agree	Disagree	No Response
Businesses	3	-	-
Local Planning Authority	6	7	4
Government Agency / Other Public Sector	6	1	6
Professional Bodies / Interest Groups	2	-	-
Other	1	-	1
Total	18	8	11
Percentage	48%	22%	30%

Summary Analysis

4.2 Almost half of respondents at 48% agreed that the SDP Regulations should broadly mirror the key stages and plan preparation requirements set out in the LDP Regulations. Many responses supported this approach as planning authorities, stakeholders and communities are already familiar with the LDP process and by mirroring this approach for SDP preparation, it would ensure a clear level of consistency when preparing both plans.

4.3 A key area of concern, especially for local planning authorities, was the 4-year timescale in which to prepare and adopt an SDP. This timescale was considered too short and unrealistic for many reasons including:

- The difficulty in achieving political consensus across a number of local planning authority areas;
- The delay if issues need to be reported back and agreed by constituent Councils;
- The complexity of setting-up new governance structures;
- The time required to explain the plan and engage with the public and local communities across a wide geographical area, and
- The scale of the evidence base required, particularly for strategic allocations, and the large number of representations that will be received to the consultations.

Welsh Government Response

4.4 The Welsh Government is pleased there is broad support to mirror the key stages of LDP preparation for SDPs. On this basis, significant changes to our policy position on the scope, form and content of the SDP Regulations are not proposed.

4.5 Concerns regarding the 4-year plan preparation timescale are noted, however, there will be no plan preparation time imposed on CJs through legislation and this will be reflected in guidance, as is currently the case for LDPs. Whilst the Welsh Government maintains its position, that in procedural terms, an SDP is capable of being prepared in 4 years, we acknowledge that the first SDPs may take longer to prepare than anticipated. SDPs will be a new type of development plan for Wales, prepared under new governance arrangements through CJs, and as highlighted in the responses, there will be many complex issues to consider and agree before and during the plan preparation process.

4.6 It is noted that political consensus will be required to prepare SDPs. However, LPAs were a key driver to introduce SDPs through the Planning (Wales) Act 2015. These Regulations do not amend the principle of SDPs; they just add clarity on procedural matters. It is also noted that LPAs are undertaking a substantial scale of collaboration and evidence gathering across a wide range of topics. The introduction of Growth Deals for each region in Wales has facilitated the building blocks for political collaboration to assist the delivery of SDPs through the CJC governance approach.

4.7 The Government will work positively and proactively with each CJC to provide guidance, assistance and support to help bring forward SDPs. We will take a pragmatic approach to the first Delivery Agreements submitted, providing they are sensible, realistic, and reflect the issues and challenges of the SDP area.

Question 2: Do you agree with the proposed approach to the Community Involvement Scheme (CIS) and Delivery Agreement (DA)?

Statistical Overview

Respondent Type	Agree	Disagree	No Response
Businesses	3	-	-
Local Planning Authority	4	8	4
Government Agency / Other Public Sector	8	1	6
Professional Bodies / Interest Groups	1	-	-
Other	1	-	1
Total	17	9	11
Percentage	46%	24%	30%

Summary Analysis

4.8 Almost half of respondents at 46% agreed with the proposed approach to the Community Involvement Scheme (CIS) and Delivery Agreement (DA). Many responses

across all sectors supported early, effective and meaningful engagement to help build consensus early in the SDP process.

4.9 A key area of concern, especially for LPAs, is how to engage communities across a large geographical area and the difficulties this will bring, especially in more rural areas and engaging 'hard to reach' groups. In order to achieve the same level of consultation as an LDP but for a larger scale SDP, this will require significant resources, commitment and political support and is likely to increase the length of the consultation periods and 4-year plan preparation timescale.

4.10 The requirement to mirror the LDP Regulations and stipulate that hard copies of SDP documents should be available at principal council offices was considered by some authorities to be difficult in light of the current Coronavirus pandemic and the shift to digital resources. However, many other public sector bodies welcomed this requirement to ensure that any person who is digitally excluded, either by a lack of technology or insufficient broadband speed, can still engage in the plan making process, especially in more rural areas. To strengthen community engagement and participation, it was proposed that the SDP Regulations require relevant information to be published in newspapers, newsletters and on local authority websites and social media accounts. However, with all this information in the public domain, there were concerns on 'consultation fatigue' and potential confusion on the role and content of each development plan.

Welsh Government Response

4.11 The Welsh Government is pleased there is broad support to maintain the current approach for a mandatory Delivery Agreement (incorporating the CIS). The Delivery Agreement (DA) is a fundamental part of effective plan preparation and sets out how and when communities will be engaged in the process.

4.12 We note that some responses raised concerns on engaging stakeholders and communities across a large geographical area and the resource implications this may have. It will be a matter for each CJC to determine how and when communities are engaged in the SDP process, set within the parameters of the legal framework provided by the SDP Regulations and also with regard to staffing and financial resources. CJsCs are considered to have expert knowledge of their region and are best placed to come up with a community engagement process that sets out appropriate methods of engagement best suited to the area and communities within it.

4.13 We note that responses were divided on whether the SDP process should be fully electronic or if hard copies of key documents should still be required at principal offices. The proposed approach for the SDP Regulations is to maximise the use of electronic communications, where it is appropriate to do so. However, SDPs are of a significant scale and influence whose policies and proposals will impact on a wide range of people. It is therefore important that communities can access hard copies of the plan, and sometimes very large and technical documents, so that they can better understand the plan and its evidence base in order to engage more effectively in the process and make more informed comments. As highlighted in some of the responses, not all members of the community will be computer literate or have access to electronic devices, which can be made more difficult by poor broadband speeds, particularly in rural areas. It is therefore important that communities in these areas are not disadvantaged simply because it is difficult to download and access electronic information. Taking all this into account, the Welsh Government will retain the proposed approach, which maximises the use of electronic communications

where possible, but includes provision that hard copies of key documents should be made available at principal offices of the CJC and LPAs within each CJC region.

4.14 A small number of responses considered the approach to community engagement may be confusing with the different tiers of development plans in Wales and raised concerns on the potential for ‘consultation fatigue’. The Welsh Government acknowledges these comments and agrees there is a need for new and updated guidance to explain the role of CJCs and the requirements of the SDP process to all interested parties and local communities, whilst making it clear how and when to effectively engage in the different tiers of development plans.

4.15 This guidance will take the form of two separate documents. The first will be additional guidance largely for practitioners and key stakeholders relating to the preparation of an SDP and will be known as “the SDP Manual”. The SDP Manual will be subject to public consultation and engagement with CJCs, LPAs and key stakeholders before it is published. Secondly, a revised Development Plan Community Guide or “the Community Guide” will set out the development plan hierarchy, preparation processes and the timings and methods of engagement for local communities, businesses and stakeholders. Work on both guidance documents is expected to commence late spring 2021.

Question 3: Do you agree with the list of general and specific consultation bodies listed in Annex 1?

Statistical Overview

Respondent Type	Agree	Disagree	No Response
Businesses	1	2	-
Local Planning Authority	7	5	4
Government Agency / Other Public Sector	3	6	5
Professional Bodies / Interest Groups	1	1	-
Other	-	1	1
Total	12	15	10
Percentage	32%	41%	27%

Summary Analysis

4.16 Just over 40% of respondents disagree with the list of general and specific consultation bodies as set out in Annex 1 of the consultation document. Many responses suggested the list is too short and did not compare with the high number of general and specific consultation bodies engaged in the LDP process. As such, the list should be expanded to include some of the following organisations, bodies and groups:

- The Coal Authority
- Public Health Wales
- Planning Inspectorate
- Highway authorities
- Heritage bodies and environmental groups
- Telecommunication and gas service providers
- Higher education
- Emergency services
- Housing associations and registered social landlords
- Development industry representatives
- Assembly Members, County Councillors and City and Town Councils

4.17 Whilst many responses want the SDP Regulations to expand the list of general and specific consultation bodies, there were some responses that considered this was for each CJC to determine based on their plan area. It was also highlighted that the Regulations require consultation with Community Councils outside but adjoining the SDP area and that this may lead to the Community Councils being consulted on more than one SDP, thus adding confusion to the process.

Welsh Government Response

4.18 Many of the suggestions submitted for inclusion as specific consultation bodies are already included by the broader definitions in Annex 1 of the consultation document. For example, Community Councils are included with Town Councils and Welsh Ministers are included in the relevant Welsh Government bodies and departments within each specific Ministerial portfolio, such as heritage and transport.

4.19 In terms of the general consultation bodies, it would not be appropriate for Welsh Government to specifically list all these bodies in legislation. To do so would be inflexible, as not all consultation bodies would be relevant to, or have an interest in each CJC area. We agree with the responses that recognise the CJCs are experts in their plan area and are best placed to identify the relevant bodies with an interest in the area. The process of identifying general consultation bodies can utilise the extensive consultation lists that will have been prepared by each respective LPA for their Local Development Plan (LDPs).

4.20 With regard to Community Councils adjoining, but outside the SDP area, the Welsh Government considers it is important that these bodies are notified of the emerging plan so they have the ability to effectively engage in the plan preparation process, responding to any significant issues. It would be contrary to proper engagement and the ethos of the Well-being Future Generations Act to exclude such groups from the plan making process.

4.21 In summary, the Welsh Government is not minded to change its policy approach to consultees. However, we acknowledge the issues raised could be expanded on and made clearer through guidance. The SDP Manual will include a broad list of general and specific consultation bodies.

Question 4: Do you agree with the two-stage preparation and consultation approach proposed at Preferred Strategy and Deposit?

Statistical Overview

Respondent Type	Agree	Disagree	No Response
Businesses	3	-	-
Local Planning Authority	11	1	4
Government Agency / Other Public Sector	5	2	6
Professional Bodies / Interest Groups	2	-	-
Other	1	-	1
Total	23	3	11
Percentage	62%	8%	30%

Summary Analysis

4.22 Over half of respondents at 62% agreed with the two-stage preparation and consultation approach at Preferred Strategy and Deposit, broadly mirroring the current LDP process.

4.23 The requirement in the SDP Regulations to make a call for 'strategic' locations and sites at Candidate Site stage is welcomed by some authorities as this will help to differentiate between the scale of sites required for an SDP, as opposed to smaller and more local sites in a Local Development Plan 'Lite' (LDPL). However, a large number of responses asked for further detail in guidance on the definition of the term 'strategic' as this can mean different things to different people. Only a small number of responses wanted each CJC to define 'strategic' based on local issues and knowledge, with some responses questioning if strategic sites were needed at all.

4.24 There was uncertainty in some responses from other public sector bodies on who can respond to the call for Candidate Sites as this opportunity seemed to be largely taken-up by national developers and not local landowners and site promoters. With the development industry putting forward large areas of land for development, there were concerns from individuals and local interest groups that new community services and facilities were not going to be built to support development, with the loss of Best and Most Versatile (BMV) agricultural land and little emphasis in the regulations on placemaking. With this in mind, the opportunity for the submission of additional Candidate Sites should be limited after the formal call has ended.

4.25 The SDP Regulations propose that the Consultation Reports on the Preferred Strategy and Deposit stages should identify the main issues raised from the consultations, including any concerns from the public and local interest groups, and provide a response. One professional body has proposed the Consultation Reports should go a step further and include an analysis of the consultation methods including any adjustments moving forward to engage more people in the plan process.

4.26 After the call for Candidate Sites, many responses, especially from local planning authorities, proposed a new two-stage examination process. Respondents suggested the Preferred Strategy is examined first to ensure it meets the broad tests of soundness before progressing the Deposit plan to a second examination. This process was considered to avoid years of abortive work if the strategy was found 'unsound' and provide certainty to developers at an early stage in the process and also ensure swift progress for preparing an LDPL.

Welsh Government Response

4.27 The Welsh Government notes the responses requesting clarification on the definition of the term 'strategic' as well as concerns on the Candidate Site process and the content of the Consultation Reports. We consider these issues can be appropriately reflected in the forthcoming SDP Guidance, and does not require a change to the policy approach for the regulations. Taking the guidance approach provides greater flexibility for CJs and SDPs to respond to unique geographical circumstances, rather than adopting to try a one size fits all approach through regulations.

4.28 In response to comments seeking a new two-stage examination process, such a change would be outside the scope of the SDP Regulations. The Planning and Compulsory Purchase Act (PCPA) 2004 makes provision for one plan, one evidence base and one examination process. Primary legislation does not facilitate the submission of a plan at an earlier stage. The SDP Regulations must be prepared within the parameters of primary legislation. As part of the SDP process, Welsh Government officials will submit formal representations at the statutory consultation stages, which includes the Preferred Strategy and Deposit stages. In those representations we will make comments in respect of the plans soundness and alignment of the SDP with national policy and Future Wales: the national plan 2040 (general conformity). These representations will provide an early indication to CJs, highlighting any significant issues of soundness and minimise the risk of abortive work. The Welsh Government will also work proactively with each CJC to provide advice and assistance to help bring SDPs forward.

Question 5: Do you agree with the particular elements of the procedures and requirements proposed for SDP preparation including proposals from pre-deposit to Deposit stage?

Statistical Overview

Respondent Type	Agree	Disagree	No Response
Businesses	3	-	-
Local Planning Authority	5	4	7
Government Agency / Other Public Sector	2	4	8
Professional Bodies / Interest Groups	2	-	-
Other	-	1	1

Total	12	9	16
Percentage	33%	24%	43%

Summary Analysis

4.29 Most respondents at 43% did not reply this question. This may be due to the question being grouped with Question 4 in the consultation document.

4.30 For this question, there was a continuation of responses regarding the call for Candidate Sites, which some authorities considered should be done alongside the Preferred Strategy stage, not before. This approach was considered to provide more certainty to developers on the type, scale and location of sites required and would reduce authorities’ workloads by preventing the assessment of sites that have little or no prospect of coming forward because they are outside the scope of the Preferred Strategy.

4.31 Taking into account the strategic nature of an SDP, some responses suggested there should be more opportunities for consultation and engagement in the regulations with an extension of the statutory consultation periods beyond 6 weeks and greater clarity around Focussed Changes consultation.

4.32 In the forthcoming guidance on SDPs, many authorities would welcome greater clarification on policies to be included in the plan. For example, can policies in the Preferred Strategy become more detailed at Deposit stage and will criteria based policies be appropriate?

Welsh Government Response

4.33 The Welsh Government does not agreed that the call for Candidate Sites should be undertaken alongside the Preferred Strategy, as it is imperative the content of the Preferred Strategy is not pre-determined. All interested parties should have the opportunity to promote sites to inform the Preferred Strategy. By undertaking a call for Candidate Sites in advance of the consultation, communities and other interested parties are able to make their views known on the submitted sites during the preferred strategy consultation. This will make the preferred strategy consultation more meaningful and help ‘front load’ the process.

4.34 The 6 week statutory consultation period is considered an appropriate ‘minimum’ for consultation at Preferred Strategy and Deposit stages and the Welsh Government is minded to retain this approach for an SDP. Each CJC can, if it chooses to do so, extend the consultation periods, but this will need to be fully explained in the Delivery Agreement (DA).

4.35 The Welsh Government notes the responses requesting clarification on the Focussed Changes consultation and the type of policies to be included in an SDP. Focussed Changes are not a formal statutory stage in plan preparation, for either SDPs or LDPs. Therefore, the regulations cannot refer to them. Legislation does not refer specifically to policies, this is set out in PPW and guidance. We therefore consider these issues are more appropriately dealt with in the forthcoming SDP Guidance.

Question 6: Do you agree with the proposed approach for submission, examination and adoption of an SDP?

Statistical Overview

Respondent Type	Agree	Disagree	No Response
Businesses	3	-	-
Local Planning Authority	9	2	5
Government Agency / Other Public Sector	6	3	5
Professional Bodies / Interest Groups	1	-	1
Other	-	1	1
Total	19	6	12
Percentage	51%	16%	33%

Summary Analysis

4.36 Over half of respondents at 51% agreed with the proposed approach for submission, examination and adoption of an SDP as this broadly mirrors the current LDP process.

4.37 With a high level of agreement and nil returns for this question at 33%, the number of issues raised is low. However, a limited number of respondents' highlighted wording in the regulations that require CJsCs "may" adopt an SDP, which is different to the LDP Regulations where authorities "must" adopt the plan. In the event that a CJC chooses not to adopt the plan or a constituent authority disagrees on a particular aspect, then the implications of this were unclear in the regulations.

Welsh Government Response

4.38 The Welsh Government notes a limited number of responses highlighted a difference in wording between the LDP Regulations and the policy approach for the SDP Regulations. The use of the word "may" ensures the SDP Regulations are consistent with terminology used in the Planning and Compulsory Purchase Act (PCPA) 2004, reflecting that the decision to adopt an SDP requires a democratic vote taken by each CJC. This decision making process replicates current LDP procedures, where each authority holds a democratic vote to adopt the plan.

4.39 It would be perverse for a CJC to choose not to adopt its own SDP, especially if the CJC considered the plan 'sound' for submission and examination after many years spent preparing it. Failure to adopt a 'sound' SDP would not only be considered a waste of public money, time and resources, but would also put the CJC in a much weaker position to steer and shape national and regional aspirations as set out in Future Wales: the national plan 2040 and national planning policy. Moreover, the absence of a policy framework under which an LDPL could operate will mean that without an adopted SDP in place no LDPLs can be prepared. The Welsh Government agrees with responses that this scenario would

put the plan area at risk of speculative applications with poorer outcomes for communities. This is a scenario the Welsh Government wishes to avoid.

4.40 If a CJC chooses not to adopt its SDP following the receipt of a positive Inspectors Report, then provisions will be included in the SDP Regulations, as outlined in the consultation document, relating to the operation and application of Welsh Ministers powers in the process.

Question 7: Do you agree with the proposed approach to monitoring, review and revision of an SDP?

Statistical Overview

Respondent Type	Agree	Disagree	No Response
Businesses	2	1	-
Local Planning Authority	8	4	4
Government Agency / Other Public Sector	4	3	6
Professional Bodies / Interest Groups	2	-	-
Other	1	-	1
Total	18	8	11
Percentage	48%	22%	30%

Summary Analysis

4.41 Almost half of respondents at 48% agreed with the proposed approach to monitor; review and revise an SDP, as this broadly mirrors the LDP process.

4.42 A small number of responses from LPAs questioned if the SDP Regulations or forthcoming guidance would include mandatory monitoring indicators? If this were to be the case, there was an emphasis in responses that monitoring an SDP is very different to an LDP with a focus on strategic outcomes and not individual policies.

4.43 Monitoring the SDP post adoption, was highlighted in some responses as a resource intensive activity. This raised concerns on whether the 6-month timescale from triggering a plan review to preparing the Review Report, was a sufficient amount of time to bring together all the evidence and consider the issues and options? Moving forward, one authority suggested a partial review of an SDP may be appropriate if, for example, there was a shortfall or lag in building out a specific allocation that did not undermine the plans strategy.

4.44 In a number of responses from LPAs, the 4-year statutory review period was considered too short. There was concern this timeframe was not sufficient to allow strategic

allocations to be developed and built-out. The added preparation of LDPLs would place too much emphasis on plan writing, with little time for the plans to take effect. Whilst a small number of responses from other public sector and interest groups supported the 4-year review period, there was overwhelming agreement this should be extended to 6 or 8 years in the regulations.

Welsh Government Response

4.45 The Welsh Government notes the responses requesting clarification on SDP monitoring indicators. Stating a set number of indicators in secondary legislation would result in a highly inflexible position and potentially bind CJC's to monitor existing policies until the regulations are amended. We consider this issue is more appropriately dealt with in the forthcoming SDP Guidance, providing greater flexibility and does not require a change to the policy approach for the regulations.

4.46 The Welsh Government considers a 6 month period to prepare a Review Report sufficient time to draw together previous Annual Monitoring Reports (AMRs) with a succinct analysis of past data in relation to policy outcomes; all the data having already been collated and documented. A Review Report should not be an onerous task. The PCPA 2004 requires CJC's to keep under review the matters which may affect the development of land within the SDP area. Any conclusions drawn are there to identify if a revision of the plan is needed in the first instance, or if part/whole of the plan needs to be revised. The Welsh Government are not minded to amend this requirement. For the reasons identified in the consultation document, the Welsh Government disagrees that the short form revision procedure is appropriate for an SDP. We consider that the strategic nature of the plan and its wide-ranging scale and influence does not make it appropriate for a quick revision without considering the wider implications through the full revision procedure. If, as highlighted in some responses, a strategic allocation is under delivering, then this may have wider implications on other policies in the plan and its strategy. It may be that many policies in the plan are performing well and do not require to be revised. The implications can only be determined by looking at everything 'in the round' as part of the full revision procedure to determine what elements of the SDP require revision, and which do not.

4.47 The Welsh Government acknowledges the overwhelming agreement in many of the responses that the 4-year review period is too short and should be extended to a minimum of 6 years in the SDP Regulations. After considering the responses, we are minded to agree that a 6 year review period is appropriate. This will allow additional time for policies and sites in an SDP to be delivered and will support authorities in resourcing and preparing their lower tier LDPLs. This would also reduce the number of review Reports and potential revisions to an SDP.

Question 8: Do you agree with the proposed approach for SDP withdrawal?

Statistical Overview

Respondent Type	Agree	Disagree	No Response
Businesses	2	1	-
Local Planning Authority	9	3	4

Government Agency / Other Public Sector	5	1	8
Professional Bodies / Interest Groups	1	1	-
Other	-	1	1
Total	17	7	13
Percentage	46%	19%	35%

Summary Analysis

4.48 Almost half of respondents at 46% agreed with the proposed approach for SDP withdrawal as this broadly mirrors requirements in the LDP Regulations.

4.49 With a high level of agreement and nil returns for this question at 35%, the number of issues raised is low. However, most authorities and some professional bodies would welcome further clarity in forthcoming guidance on the planning rationale for SDP withdrawal and the impact of this on LDPs and LDPL preparation, especially if the SDP does not gain weight until after adoption. There was concern that with no adopted SDP or LDPL and a time expired LDP, that only Future Wales: the national plan 2040 would form the most up-to-date development plan for the area.

Welsh Government Response

4.50 The consultation document set out the requirements that a CJC must adhere to if it chooses to withdraw its own plan. The implications of this are the same as those explained in our response to Question 6.

4.51 The Welsh Government maintains there can be no certainty on whether an SDP can be adopted, or the policy content of the plan, until the plan is formally adopted. It is for this reason that an LDPL can only be 'formally' commenced once the SDP is adopted, albeit, there are no barriers to a CJC commencing technical studies and other work in parallel with the SDP process.

4.52 It is considered that by 'formally' starting an LDPL before an SDP is adopted, this may give the perception to communities and stakeholders that the plan and its content has been pre-determined. This is also likely to cause confusion between the two plans, which is something that many responses were looking to avoid, and will erode confidence in the development plan system, which prides itself on being independently examined and scrutinised before a plan can be found 'sound' and adopted.

4.53 The relationship between SDPs and LDPLs is already explained succinctly in the DPM (Chapter 10). This sets out the position where different types of plan are, or are not adopted, the consequences of various scenarios and the relationship between different tiers of plans.

Question 9: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please report them

Summary Analysis and Welsh Government Response

4.54 A number of additional comments were made on the SDP preparation process and associated regulations. These are summarised below:

Theme	Issue raised	Welsh Government response
SDP Regulations	<p>The regulations should:</p> <ul style="list-style-type: none"> • Explain the term ‘general conformity’ • List the Tests of Soundness, and • Specify the plan period, which given the strategic nature of the plan should be over 15-years. 	<p>These issues will be more appropriately dealt with in the forthcoming SDP Guidance. The first two bullet points are included in Chapter 2 and 10 of the DPM.</p> <p>The SDP period will be set in guidance and not regulations. This approach will mirror the LDP Regulations and supporting guidance in the DPM.</p>
Loss of local distinctiveness	<p>There is potential for conflict between matters and issues in the different tiers of development plans. This risks losing local distinctiveness with a sense that decisions taken by the CJC have been imposed upon authorities.</p>	<p>The matters and issues to be considered in an SDP and LDPL will be clearly set out in SDP Guidance and the Community Guide. The CJsCs are constituted of the Leaders of Local Authorities, who are democratically elected. This is a matter of governance, set out in the CJC Regulations.</p>
National Parks	<p>An SDP risks undermining the quality of National Parks and the purpose of an SDP can be achieved without including National Parks in the plan area. It will also be confusing for the public and other key stakeholders if Parks are in more than one SDP area.</p>	<p>This matter is outside the scope of this consultation, which relates to SDP preparation procedures and the plans form and content only. However, where a development plan is being prepared, either an SDP or LDP, the respective plan has to have regard to the purposes of the National Park, as set out through other relevant legislation.</p>
Mandating CJsCs	<p>In a small number of responses, CJsCs were considered unnecessary and undemocratic and should not be mandated, particularly in Mid and North Wales</p>	<p>This matter is outside the scope of this consultation, which relates to SDP preparation procedures and the plans form and content only.</p>
Operational requirements of CJsCs	<p>These include questions on:</p> <ul style="list-style-type: none"> • How the CJsCs other functions and workloads will align with SDP preparation? • The size, scope and remit of the supporting SDP Team, and 	<p>This matter is outside the scope of this consultation, which relates to SDP preparation procedures and the plans form and content only.</p>

	<ul style="list-style-type: none"> How this team will be funded and resourced against a backdrop of LDP preparation and local authority austerity? 	
SDP Guidance	Clarity should be provided in future guidance on how the three tiers of the development plan system (SDP/LDP/LDPL) will work in parallel, especially if no weight is to be attributed to an SDP before it is adopted.	Noted. These issues can be appropriately dealt with in the forthcoming SDP Guidance, albeit the current DPM does add clarity on this point (in Chapters 2 and 10).
LDPLs	The 2-year timescale for LDPL preparation is considered too short by some authorities. However, other responses have highlighted that any delay in preparing and adopting an LDPL could lead to local policy gaps and an increase in speculative applications, especially if the authority has a time expired LDP.	Noted. This issue will be dealt with in future LDPL Regulations and forthcoming SDP guidance. The time period for plan preparation of an SDP and LDP is not specified in regulations.

5. Summary of Amendments

5.1 The consultation responses have shown there is broad support for the SDP Regulations to mirror the key stages of LDP preparation. On this basis, no substantial changes are required to the scope, form and content of the SDP Regulations. There is, however, one change to the regulations and new guidance will be drafted as follows:

- In the SDP Regulations extend the plan review period from 4 to 6 years, and
- Include a broad list of specific and general consultation bodies in SDP Guidance;
- Provide clarity on the preparation requirements, content of SDPs and LDPLs in future SDP Guidance, and
- Provide an update to the Community Guide to ensure communities are aware of what is required of them, and ensure they can effectively engage with the right plan at the right time.

6. Next Steps

6.1 The SDP Regulations have been finalised taking on board comments received through this consultation and will come into force at the same time as the regulations conferring responsibility for strategic planning on CJsCs comes into force. As stated previously, work will also commence on preparing new SDP Guidance and an update to the Community Guide to development plans this spring.

Annex 1 – List of Organisations and Individuals that Submitted Representations

Businesses

Welsh Water
Redrow
Hughes Architects

Local Planning Authorities

Newport Council
Caerphilly Council
Pembrokeshire Council
Cardiff Council
3 x National Park Authorities
Bridgend Council
Ceredigion Council
Anglesey Council
Neath Port Talbot Council
Vale of Glamorgan Council
Gwynedd Council
Conwy Council
Powys Council
Denbighshire Council
Flintshire Council
Wrexham Council

Government Agency / Other Public Sector

Cwmbran Community Council
The Coal Authority
Public Health Wales
Mold Town Council
Natural Resources Wales
South East Wales Strategic Planning Group (SEWSPG)
St. Fagan's Community Council
Planning Officers Society Wales (POSW)
Public Services Ombudsman for Wales
Llanfair D C Community Council
Theatre's Trust
Pennard Community Council
Pontardawe Town Council
Newtown and Llanllwchaiarn Town Council

Professional Bodies / Interest Groups

Law Society
Planning Aid Wales

Other

North West Cardiff Group

Mr and Mrs Filce

Anonymous

Anonymous

Anonymous