

WELSH STATUTORY INSTRUMENTS

2005 No. 2839

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

PART 1

GENERAL

Title, commencement and application

1.—(1) These Regulations may be called the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 and come into force on 15 October 2005.

(2) These Regulations apply in relation to Wales.

Commencement Information

II Reg. 1 in force at 15.10.2005, see [reg. 1\(1\)](#)

Interpretation

2.—(1) In these Regulations—

“address”, (*“cyfeiriad”*) in relation to electronic communications, means any number or address used for the purposes of such communications;

“adoption statement” (*“datganiad mabwysiadu”*) means a statement—

- (a) of the date on which an LDP is adopted;
- (b) that a person aggrieved by the LDP may make an application to the High Court under section 113; and
- (c) of the grounds on, and the time within which such an application may be made;

^{F1} ...

[^{F2}“candidate sites register” (*“cofrestr y safleoedd ymgeisiol”*) means the list of sites prepared in accordance with regulation 14(4) or 26A(8);]

“decision statement” (*“datganiad penderfynu”*) means—

- (a) a statement that the National Assembly has decided to approve, approve subject to modifications, or reject an LDP (as the case may be);
- (b) where the National Assembly decides to approve an LDP, or to approve an LDP subject to modifications, a statement—
 - (i) of the date on which the LDP is adopted,
 - (ii) that a person aggrieved by the LDP may make an application to the High Court under section 113, and

(iii) of the grounds on, and the time within which such an application may be made;

“delivery agreement” (“*cytundeb cyflawni*”) means the agreed community involvement scheme together with the agreed timetable referred to in section 63(1);

“deposit matters” (“*materion adneuo*”) means—

- (a) the title of the LDP;
- (b) the period within which representations about the LDP must be made in accordance with [F³regulation 18 or 26C];
- (c) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent in accordance with [F⁴regulation 18 or 26C, as the case may be];
- (d) a statement that representations may be accompanied by a request to be notified at a specified address of the publication of the recommendations of the person appointed to carry out an examination under section 64 or the adoption of the LDP or both;

“disabled person” (“*person anabl*”) has the meaning given by section 1(2) of the Disability Discrimination Act 1995(1);

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given by section 15(1) of the Electronic Communications Act 2000(2);

“electronic communications apparatus” (“*offer cyfathrebu electronig*”) has the meaning given by [F⁵paragraph 5] of the electronic communications code(3);

“electronic communications code” (“*cod cyfathrebu electronig*”) has the same meaning as in section 106(1) of the Communications Act 2003(4);

[F²“emerging LDP” (“*CDLl sydd wrthi’n ymddangos*”) means—

- (a) a document proposed as an LDP, made available pursuant to regulations 15, 17 or 22(1);
- (b) a document proposed as a revision of an LDP made available pursuant to regulations 15, 17, 22(1) or 26B,

in either case which has not been adopted either by the LPA under section 67, or approved by the Welsh Minsters under section 65 or 71(4);]

“general consultation bodies” (“*cyrff ymgynghori cyffredinol*”) means—

- (a) voluntary bodies, some or all of whose activities benefit any part of the LPA’s area;
- (b) bodies which represent the interests of different racial, ethnic or national groups in the LPA’s area;
- (c) bodies which represent the interests of different religious groups in the LPA’s area;
- (d) bodies which represent the interests of disabled persons in the LPA’s area;
- (e) bodies which represent the interests of persons carrying on business in the LPA’s area; and
- (f) bodies which represent the interests of Welsh culture in the LPA’s area;

“initial consultation report” (“*adroddiad ymgynghori cychwynnol*”) means the report of the LPA prepared pursuant to regulations 14 to [F⁶16A or regulation 26A(4), whichever is required];

“inspection” (“*arolygu*”) means inspection by the public;

(1) 1995 c. 50.

(2) 2000 c. 7.

(3) The definition of “electronic communications apparatus” has been inserted into paragraph 1(1) of the electronic communications code by paragraph 2(2) of Schedule 3 to the Communications Act 2003 (c. 21).

(4) 2003 c. 21.

“LDP” (“*CDL*”) means a local development plan;

“LDP documents” (“*dogfennau CDL*”) means—

- (a) the deposit LDP;
- (b) the sustainability appraisal report;
- (c) the initial consultation report;
- (d) such supporting documents as in the opinion of the LPA are relevant to the preparation of the LDP;
- (e) [^{F7}any relevant review report;
- (f) any candidate sites register]

“LPA” (“*ACL*”) means the local planning authority;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“Ordnance Survey map” (“*map yr Arolwg Ordnans*”) means a map produced by Ordnance Survey or a map on a similar base at a registered scale;

“person appointed” (“*person a benodwyd*”) means a person appointed by the National Assembly under section 64(4) to carry out an independent examination;

“pre-deposit proposals documents” (“*dogfennau cynigion cyn-adneuo*”) means the LPA’s preferred strategy, options and proposals for the LDP and the implications of these, with earlier alternatives and implications made explicit [^{F8}the candidate sites register and any review report,] , together with such supporting documents as in the opinion of the LPA are relevant to those documents;

“pre-deposit matters” (“*materion cyn-adneuo*”) means—

- (a) the title of the LDP;
- (b) the period within which representations on the proposals may be made in accordance with regulation 16(2)(a);
- (c) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent in accordance with regulation 16(2)(b);
- (d) a statement that any representations may be accompanied by a request to be notified at a specified address that the LDP has been submitted to the National Assembly for independent examination under section 64 and of the adoption of the LDP;

“relevant authority” (“*awdurdod perthnasol*”) means—

- (a) an LPA;
- (b) a community council;

[^{F2}“review report” (“*adroddiad adolygu*”) means a report prepared pursuant to section 69 or regulation 41(4).]

^{F9} ...

^{F9} ...

“specific consultation bodies” (“*cyrff ymgynghori penodol*”) means the bodies specified or described in paragraphs [^{F10}(a) to (g)] of this definition;

- (a) [^{F11}the Natural Resources Body for Wales],
- (b) [^{F12}Network Rail Infrastructure Limited;]
- (b) ^{F13} ...

- (c) insofar as the Secretary of State exercises functions previously exercisable by the Strategic Rail Authority, the Secretary of State,
- (d) the National Assembly,
- (e) a relevant authority any part of whose area is in or adjoins the area of the LPA,
- (f) any person—
 - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
 - (ii) who owns or controls electronic communications apparatus situated in any part of the area of the LPA (where known),
- (g) if it exercises functions in any part of the LPA’s area—
 - (i) a Local Health Board⁽⁵⁾,
 - (ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989⁽⁶⁾,
 - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986⁽⁷⁾,
 - (iv) a sewerage undertaker,
 - (v) a water undertaker;

“sustainability appraisal report” (“*adroddiad arfarnu cynaliadwyedd*”) means the report prepared pursuant to section 62(6)(b); and includes any environmental report required under the provisions of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004⁽⁸⁾ or any re-enactment thereof;

[^{F14}“Waste Strategy for Wales” (“*Strategaeth Wastraff Cymru*”) means the national waste management plan within the meaning of the Waste (England and Wales) Regulations 2011, known by that name and prepared by the Welsh Ministers;]

(2) In these Regulations, unless otherwise stated, any reference to a section is a reference to that section of the Act and any reference to a regulation is a reference to that regulation in these Regulations.

Textual Amendments

- F1** Words in reg. 2(1) omitted (28.8.2015) by virtue of *The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015* (S.I. 2015/1598), regs. 1(1), **2(2)(a)** (with reg. 3)
- F2** Words in reg. 2(1) inserted (28.8.2015) by *The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015* (S.I. 2015/1598), regs. 1(1), **2(2)(h)** (with reg. 3)
- F3** Words in reg. 2(1) substituted (28.8.2015) by *The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015* (S.I. 2015/1598), regs. 1(1), **2(2)(b)(i)** (with reg. 3)
- F4** Words in reg. 2(1) substituted (28.8.2015) by *The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015* (S.I. 2015/1598), regs. 1(1), **2(2)(b)(ii)** (with reg. 3)
- F5** Words in reg. 2(1) substituted (28.12.2017) by *The Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017* (S.I. 2017/1011), reg. 1(1), **Sch. 3 para. 4(2)**

(5) See section 16BA of the National Health Service Act 1977 (c. 49).

(6) 1989 (c. 29); section 6 was substituted by the Utilities Act 2000 (c. 27), section 30.

(7) 1986 (c. 44); section 7 was substituted by the Gas Act 1995 (c. 45) and section 7(2) was amended by the Utilities Act 2000 (c. 27), sections 3(2), 76(1) and (3) and Schedule 6, paragraphs 1 and 4.

(8) S.I.2004/1656.

- F6** Words in reg. 2(1) substituted (28.8.2015) by The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 (S.I. 2015/1598), regs. 1(1), **2(2)(c)** (with reg. 3)
- F7** Words in reg. 2(1) inserted (28.8.2015) by The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 (S.I. 2015/1598), regs. 1(1), **2(2)(d)** (with reg. 3)
- F8** Words in reg. 2(1) inserted (28.8.2015) by The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 (S.I. 2015/1598), regs. 1(1), **2(2)(e)** (with reg. 3)
- F9** Words in reg. 2(1) omitted (28.8.2015) by virtue of The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 (S.I. 2015/1598), regs. 1(1), **2(2)(f)** (with reg. 3)
- F10** Words in reg. 2(1) substituted (28.8.2015) by The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 (S.I. 2015/1598), regs. 1(1), **2(2)(g)(i)** (with reg. 3)
- F11** Words in reg. 2(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 5 para. 37(2)(a)** (with Sch. 7)
- F12** Reg. 2(1) inserted (28.8.2015) by The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 (S.I. 2015/1598), regs. 1(1), **2(2)(g)(ii)** (with reg. 3)
- F13** Words in reg. 2(1) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 5 para. 37(2)(b)** (with Sch. 7)
- F14** Words in reg. 2(1) substituted (29.3.2011) by The Waste (Miscellaneous Provisions) (Wales) Regulations 2011 (S.I. 2011/971), regs. 1(2), **5**

Commencement Information

- I2** Reg. 2 in force at 15.10.2005, see **reg. 1(1)**

Scope of Regulations

3.—^[F15](1) These Regulations have effect in relation to the revision of an LDP as they apply to the preparation of an LDP, except—

- (a) regulations 5 and 7 which do not apply to the revision of an LDP;
 - (b) where an LPA proceeds in accordance with Part 4A, Part 4 does not apply other than to the extent specified in Part 4A;
 - (c) where an LPA proposes to revise its LDP and proceeds in accordance with Part 4, Part 4A does not apply.]
- (2) Where—
- (a) an LPA; or
 - (b) the National Assembly

has, in relation to the preparation of a local development plan, taken any step in relation to any regulation made under the provisions of Part 6 of the Act, that step is to be regarded as having been taken pursuant to the duties imposed on the local planning authority or the National Assembly under that regulation, whether that step was taken before, on or after the day appointed for the coming into force of that regulation.

Textual Amendments

- F15** Reg. 3(1) substituted (28.8.2015) by The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 (S.I. 2015/1598), regs. 1(1), **2(3)** (with reg. 3)

Commencement Information

- I3** Reg. 3 in force at 15.10.2005, see **reg. 1(1)**

Electronic communications

4.—(1) Where, within these Regulations—

(a) a person is required to—

(i) send a document, a copy of a document or any notice to another person,

(ii) notify another person of any matter; and

(b) that other person has an address for the purposes of electronic communications;

the document, copy, notice or notification may be sent or made by way of electronic communications.

(2) Where, within these Regulations, a person may make representations on any matter or document, those representations may be made—

(a) in writing; or

(b) by way of electronic communications.

(3) Where—

(a) an electronic communication is used as mentioned in paragraphs (1) and (2); and

(b) the communication is received by the recipient outside that person's normal office hours, it will be taken to have been received on the next working day; and, in this regulation, "working day" means a day which is not a Saturday, Sunday, Bank Holiday⁽⁹⁾ or other public holiday.

Commencement Information

I4 Reg. 4 in force at 15.10.2005, see [reg. 1\(1\)](#)

⁽⁹⁾ Banking and Financial Dealings Act 1971 (c. 80), section 1(1) and schedule 1, paragraph 1.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, PART 1.