
WELSH STATUTORY INSTRUMENTS

2005 No. 2839

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

PART 1

GENERAL

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;

“by local advertisement” (*“drwy hysbyseb leol”*) means by publication on at least one occasion in a local newspaper circulating in the whole of the area of the LPA;

“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 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 18;

(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 paragraph 1(1) 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⁾;

“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 16;

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

“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;

“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, together with such supporting documents as in the opinion of the LPA are relevant to those documents;

(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.

“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;

“site allocation policy” (“*polisi dyrannu safle*”) means a policy which allocates a site for a particular use or development;

“site allocation representation” (“*sylw ar ddyraniad safle*”) means any representation which seeks to change an LDP by—

- (a) adding a site allocation policy to the LDP; or
- (b) altering or deleting any site allocation policy in the LDP;

“specific consultation bodies” (“*cyrff ymgynghori penodol*”) means the bodies specified or described in paragraphs (i) to (viii) of this definition;

- (a) the Countryside Council for Wales⁽⁵⁾,
- (b) the Environment Agency⁽⁶⁾,
- (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⁽⁷⁾,
 - (ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989⁽⁸⁾,
 - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986⁽⁹⁾,

(5) See section 1(1) of the National Parks and Access to the Countryside Act 1949 (c. 97), as substituted by the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1 and as amended by S.I.1999/416.

(6) See section 1(1) of the Environment Act 1995 (c. 25).

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

(8) 1989 (c. 29); section 6 was substituted by the Utilities Act 2000 (c. 27), section 30.

(9) 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.

- (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⁽¹⁰⁾ or any re-enactment thereof;

“Waste Strategy for Wales” (“*Strategaeth Wastraff Cymru*”) means any statement which contains the National Assembly’s policies in relation to the recovery and disposal of waste in Wales⁽¹¹⁾ and which is made under section 44A of the Environmental Protection Act 1990⁽¹²⁾.

(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.

⁽¹⁰⁾ S.I. 2004/1656.

⁽¹¹⁾ Wise about Waste: The National Waste Strategy for Wales, June 2002.

⁽¹²⁾ 1990 c. 43.