

APPENDIX B

CONSULTATION FORM

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

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 Committee (CJCs) and associated matters. The Regulations will be called the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021.

If you have any queries on this consultation, please email:

planconsultations-b@gov.wales or telephone: 0300 025 3882.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

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. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

CONSULTATION FORM

The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021		
Date:		
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Telephone	029 22330981	
Type (please select one from the following)	Business	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency / Other Public Sector	<input type="checkbox"/>
	Professional Bodies / Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self-help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

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?	X
	To assist with your response please see paragraphs 4.1 - 4.4 of the consultation document	

Agree	X
Disagree	

If not, please explain why

Yes it is agreed that the SDP Regulations should largely mirror the LDP regulations with the exception of the short form procedure and joint plan provisions outlined in the consultation document. As stated in the consultation document, the LDP process is generally well understood by users of the system and works effectively and taking this approach is welcomed by the Council.

However, the Council would question whether 4 years is sufficient time in which to prepare an SDP in line with all of the proposed key stages in the process, including evidence gathering, community and stakeholder engagement, formal public consultation and examination. This is particularly relevant as the general public will need time to understand what an SDP is, how it relates to them and their local communities, and the relationship between SDPs and LDPs.

The Council welcomes confirmation that the SDP will be subject to a Sustainability Appraisal (SA), incorporating a Welsh Language Assessment and a Strategic Environmental Assessment (SEA) and will be subject to the principles and ways of working of the Well-being of Future Generations (Wales) Act.

Q2	Do you agree with the proposed approach to the Community Involvement Scheme (CIS) and Delivery Agreement (DA)?	X
	To assist with your response please see paragraphs 4.6 - 4.7 of the consultation document on SDP Stage 1	

Agree	X
Disagree	

If not, please explain why

Yes, this will ensure that the same principle of early, effective and meaningful community engagement with the aim of building a broad consensus applies to both LDPs and SDPs and is welcomed by the Council.

However, the difference of scale should not be underestimated and significant resources will be required to do this to the same degree of LDPs, together with the need to tackle logistical, governance and engagement challenges as the SDP progresses.

The proposed emphasis throughout the regulations on the use of electronic communications is also welcomed.

Q3	Do you agree with the list of general and specific consultation bodies listed in Annex 1?	X
	To assist with your response please see paragraphs 4.6 - 4.7 and Annex 1 of the consultation document	
	Agree	X
	Disagree	

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

The Council welcome that LPAs are listed as a specific consultation body in the Annex as it will be important for LPAs to be able to formally comment on the preparation of the SDP

Consideration should also be given to adding specific reference to transport, telecommunications, gas service providers, business interest groups, MPs/MSs/County Councillors and Higher Education in the Annex given their strategic transportation role in the region.

It is important that the SDP process allows for meaningful engagement with general and specific bodies. This can play an important role in raising awareness and building consensus on key matters. However, there are concerns that it may be more challenging for the SDP process (when compared to the preparation of LDPs) to effectively fulfill this role within the proposed timeframes given the geographical extent of the area, numbers of LPAs/other bodies directly involved and the scale of issues being considered. Further thought should be given to this issue in the preparation of further guidance.

Q4	Do you agree with the two stage preparation and consultation approach proposed at Preferred Strategy and Deposit?	X
	To assist with your response please see paragraphs 4.11 - 4.13 of the consultation document on SDP Stages 2 - 4	
	Agree	X

Disagree	
If not, please explain why and what alternative approach you would suggest?	
The Council agrees with the principle of a two stage preparation and consultation approach which mirrors the LDP preparation process but, as referenced in the response to Q3, it is important that consultation and engagement can be effectively delivered within the proposed plan preparation timetable.	

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?	X
	To assist with your response please see paragraphs 4.8 - 4.13 of the consultation document on SDP Stages 2 - 4	
	Agree	X
	Disagree	

If not, please explain why	
<p>The Council welcomes the proposed requirement in the regulations that, before a CJC finalises and formally consults on its Preferred Strategy, it must engage with specific and general consultation bodies. This will enable LPAs to feed early into the SDP preparation process but, as stated in earlier responses, there is a need for further guidance to provide greater comfort that this can be meaningful given the scale of issues and proposed preparation timetable. In this regard, it is noted that recent experience elsewhere in the UK has shown that there are considerable challenges in securing robust Regional Plans in a timely manner and these are no longer statutory requirements in either England or Scotland. The further guidance needs to demonstrate how identified shortcomings and issues experienced elsewhere with regard to regional plans can be realistically overcome in a Wales context.</p> <p>In order to avoid confusion with stakeholders, the call for strategic locations and sites will need to be carefully managed where LDPs are being prepared in parallel to the SDP preparation process, and a clear definition of a strategic site will also need to be defined in the proposed SDP Manual so that stakeholders are clear about which process they need to promote their site.</p>	

Q6	Do you agree with the proposed approach for submission, examination and adoption of an SDP?	X
	To assist with your response please see paragraphs 4.14 - 4.20 of the consultation document on SDP Stage 5	
	Agree	X
	Disagree	
If not, please explain why		
The Council welcomes the proposed approach, which mirrors the approach for LDP submission, examination and adoption. The Council notes that the consultation document states that the tests of soundness in respect of the preparation of an SDP will be updated in the forthcoming draft SDP Manual and the Council looks forward to the opportunity to comment on this document when it is issued.		

Q7	Do you agree with the proposed approach to monitoring, review and revision of an SDP?	X
	To assist with your response please see paragraphs 4.21 - 4.23 of the consultation document on SDP Stage 6	
	Agree	X
	Disagree	
If not, please explain why		
The Council welcomes the proposed approach, which mirrors the approach for LDP monitoring, review and revision. The Council notes that the consultation document states that the content of the review report will be set out in the forthcoming draft SDP Manual and the Council looks forward to the opportunity to comment on this document when it is issued.		

Q8	Do you agree with the proposed approach for SDP withdrawal?	X
	To assist with your response please see paragraphs 4.24 - 4.27 of the consultation document on SDP withdrawal	
	Agree	X
	Disagree	
If not, please explain why		
The Council welcomes the proposed approach, which mirrors the approach for LDP withdrawal.		

Q9	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please report them
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The Council notes that preparation of the SDP will require both significant financial and staffing resources and it is noted that the consultation document is silent on this issue. Further guidance is required on both how the preparation of the SDP is to be co-ordinated and funded, and the level of staffing resources required, and how this will be secured.

Many LPAs in South East Wales, including Cardiff Council, have just begun the process of reviewing their adopted LDPs and both financial and staffing resources have been committed to this process. Any further requirement for additional funding for SDP preparation or loss of staffing resources from LPAs could undermine the ongoing LDP review process.

Related to the above issue, further guidance would be beneficial on how the review of LDPs and SDP preparation can most effectively work in parallel to avoid potential local policy gaps and pressure for speculative unplanned development. Further guidance on this and the weight that a SDP carries before it is examined and adopted would be helpful in the SDP Manual to ensure the process is clear for all stakeholders going forward.

Clarity is also needed on how the other functions of the CJC (i.e. Transport and Economy) will relate to the preparation of an SDP in terms of, for example, aligning the preparation of a Regional Transport Infrastructure Plan to identify the infrastructure needed to support the strategic growth being proposed in the SDP.

Q10	<u>Other questions</u> We would like to know your views on the effects that the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?
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The Council notes that the proposals set out in the consultation document include the requirement for a Sustainability Appraisal (SA) to incorporate a Welsh Language Assessment and that bodies which represent the interests of Welsh culture in the CJC area are included as a consultation body in Annex 1. It is considered these measures will ensure a positive effect on the Welsh Language and enable any negative effects to be mitigated.

Q11 Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

See response to question 10 above.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here ☐

How to respond

Please submit your comments by 4 January 2021 in any of the following ways:

Email	Post
<p>Please complete the consultation form and send it to: planconsultations-b@gov.wales</p> <p>[Please include 'Strategic Development Plan (SDP) Regulations Consultation' in the subject line]</p>	<p>Please complete the consultation form and send it to:</p> <p>Strategic Development Plan (SDP) Regulations Consultation Plans Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>