

FLINTSHIRE COUNTY COUNCIL

REPORT TO: FLINTSHIRE COUNTY COUNCIL

DATE: TUESDAY, 27 MARCH 2012

REPORT BY: DIRECTOR OF ENVIRONMENT

SUBJECT: COMMENCEMENT ORDER FOR LOCAL
DEVELOPMENT PLAN

1.00 PURPOSE OF REPORT

- 1.01 To formally complete work on the Unitary Development Plan (UDP), and to request that the Welsh Government prepare secondary legislation authorising the Council to commence preparation of a Local Development Plan (LDP).
- 1.02 Following the adoption of the UDP in September 2011, the work associated with preparing the UDP ended. Therefore, the Council is now in a position to request the Welsh Government (WG) to prepare a Local Commencement Order for preparing the LDP. Whilst essentially a purely procedural matter, this is nevertheless an important step as the Council cannot undertake any formal work or make any formal decisions in accordance with its duty to prepare a LDP until the Order is in place.

2.00 BACKGROUND

- 2.01 The Council adopted the UDP on 28 September 2011 under the Town and Country Planning Act 1990 (as amended) and the miscellaneous regulations adopted under the said Act, namely, the Town and Country Planning Regulations (Development Plan) 1991 (as amended).
- 2.02 The requirements of Part 6 of the Planning and Compulsory Purchase Act 2004 was implemented in Wales in October 2005. This legislation makes it a requirement for every local planning authority in Wales to prepare a LDP for its area. This replaces the requirement to prepare a UDP under the 1990 Act. When the LDP is adopted, it will replace the UDP and the LDP will then be the development plan for the Flintshire Planning Authority area.
- 2.03 In accordance with the transitional provisions of Article 6 of the Planning and Compulsory Purchase (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005 and in order to implement the new legislation, the Council must first formally make a decision not to undertake any more work on the

UDP and to discontinue using its powers under the former legislation. Subsequently, the Council must write to the WG, formally requesting them to prepare the necessary secondary legislation (Local Commencement Order), to authorise a formal movement towards preparing a LDP.

3.00 CONSIDERATIONS

- 3.01 Once an Order has been made by the WG the Council can begin the process of preparing its LDP. One of the first elements of this will be to assess the current evidence base and to address any shortcomings in the information that the Council will require in order to base its plan on a 'sound' footing.
- 3.02 In accordance with the Town and Country Planning Regulations (Local Development Plans) 2005 and national planning policy guidelines in Local Development Plans 2005, work will soon commence on preparing the Delivery Agreement (DA) for the Local Development Plan, which includes a community engagement strategy and timetable for its preparation. It is understood that WG cannot express a formal opinion on this document until the Council has been formally authorised to prepare the LDP. It is intended to report on the consultative draft version of the DA to the Council prior to its release for public consultation later this year. The conclusions of the public consultation along with the final draft version of the DA will also be submitted to a meeting of the Council during 2012.

4.00 RECOMMENDATIONS

It is recommended that:

- 4.01 The Director of Environment is authorised to inform the Welsh Government that the Council has completed using its powers to prepare a UDP under the Town and Country Planning Act (as amended)1990.
- 4.02 The Director of Environment is authorised to ask the Welsh Government to prepare the secondary legislation (Local Commencement Order), authorising the formal commencement of preparing the LDP.

5.00 FINANCIAL IMPLICATIONS

There are no direct financial costs for the Council arising from the need for the WG to prepare the secondary legislation. The financial implications of preparing a LDP will be the subject of a future report.

6.00 ANTI POVERTY IMPACT

None

7.00 ENVIRONMENTAL IMPACT

None

8.00 EQUALITIES IMPACT

None

9.00 PERSONNEL IMPLICATIONS

None

10.00 CONSULTATION REQUIRED

None

11.00 CONSULTATION UNDERTAKEN

None

12.00 APPENDICES

None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Town and Country Planning Act 1990 (as amended); Town and Country Planning Regulations (Development Plans) 1991 (as amended); Planning and Compulsory Purchase (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005; Town and County Planning (Local Development Plan) Regulations (Wales) 2005; Local Development Plans Wales 2005.

Contact Officer: Andy Roberts
Telephone: 01352 703211
Email: andy.roberts@flintshire.gov.uk