

Petition: P-05-844 Immediate review of the Neath Port Talbot LDP

Y Pwyllgor Deisebau | 23 Hydref 2018
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Research Briefing:

Petition number: P-05-844

Petition title: Immediate review of the Neath Port Talbot LDP

Petition text:

We, the undersigned, call on the Welsh Government to schedule an immediate review of the Local Development Plan for the Neath Port Talbot Area. Urgent changes are needed in order to review the guidance for rural areas, specifically around Welsh Valley Regeneration. As local residents, we do not feel that enough measures are in place to protect our communities from negative commercial development which severely impacts residential areas. Change is needed to enforce policies on Active Travel, protecting residential settlements and the Well-Being of Future Generations (Wales) Act 2015. Our community in Blaengwrach is not adequately provided for in the LDP and we require action to be taken sooner than the scheduled review in 2020. We ask for the opportunity, at the very least, to be able to add exceptions and guidance to the LDP concerning developments attracting high volumes of traffic, such as petrol filling stations and drive through restaurants.

Background

Wales has a plan-led planning system. Local Development Plans (LDPs) are key to this approach as they are expected to set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted LDP unless material considerations indicate otherwise.

The letter from the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths, to the Committee (dated 25 September) explains succinctly the statutory requirement for local planning authorities to prepare, monitor and review their LDPs:

The Planning and Compulsory Purchase Act (PCPA) 2004 requires Local Planning Authorities (LPAs) to prepare a statutory development plan for their administrative area. Neath Port Talbot adopted their LDP in January 2016.

The PCPA Act 2004 also requires LPAs to keep adopted plans under review (section 69). The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, as amended 2015, specifies the time period when a LDP should be reviewed as no longer than four years from adoption (Regulation 41). Neath Port Talbot are due to commence a review of their adopted LDP in January 2020.

The PCPA Act 2004 also requires every LPA to prepare an Annual Monitoring Report (AMR) setting out whether the objectives of the plan are being achieved or not. This includes the effectiveness of the policies, as well as any new legislation or external circumstances which require the plan to be reviewed (section 76). Neath Port Talbot's first AMR was published in October 2017:

https://www.npt.gov.uk/media/8100/amr_final_oct17.pdf

AMRs are the mechanism for reviewing a LDP and identify if changes to the plan, including strategy and policies, are required and contain indicators which assess the effectiveness of the plan. Neath Port Talbot's next AMR is due to be published October 2018.

The PCPA Act 2004 also gives the Welsh Government wide-ranging powers of direction in relation to LDPs. This includes a power to direct that a plan shall be revised (section 70).

However, paragraph 2.13.4 of [Planning Policy Wales, Edition 9](#) (the Welsh Government's national planning policy) states that the Welsh Government will only consider using its powers of direction as a last resort when dialogue has failed and where an LDP:

- raises issues of national importance; or
- could have wide effects beyond the area of the plan-making authority.

Welsh Government action

As noted above, the Cabinet Secretary has written to the Committee in relation to this petition. In addition to setting out the statutory requirements relating to LDPs, the letter also states that the monitoring and revision of a LDP is a matter for the local planning authority and if residents have concerns they should be directed to the respective local planning authority.

The Cabinet Secretary also states that "it is not for the Welsh Ministers to intervene in the statutory review process".

National Assembly for Wales action

This issue has not been considered by the Assembly.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.