



a million voices for nature

How to get involved with local development plans

Key points:

- Your area's development plan will have a key role in deciding where future development goes.
- During the production of the development plan there will be a number of consultation stages. The consultation stages are your opportunity to influence what the plan says.
- Tell your Local Planning Authority about sites in your area that are important for wildlife
- Encourage the Local Planning Authority to create or restore habitat in the area.

What is a development plan?

The development plan sets out the Local Planning Authority's proposals and policies for future development and use of land in its area.

Decisions on planning permissions are mostly based on the development plan. The development plan therefore provides a measure of certainty about what kind of development will and will not be permitted during the plan period.

Since 2005, every Local Planning Authority in Wales must prepare a Local Development Plan (LDP) for its area. The LDP superseding, when adopted, all previous generations of development plan. The LDP must conform generally with national, UK and EU policy and legislation, but will also set out specific proposals for the area, including proposals relating to specific sites.

Several LDPs are currently in place (or 'adopted') with many still going through the preparation process. Even where the LDP is already adopted it will be reviewed on a regular basis, so there will be further opportunities to influence the way it evolves.

The Local Planning Authority

The Local Planning Authority (LPA) is responsible for preparing the development plan through its planning officers and planning committee. The planning committee is made up of elected Members (councillors).

Each of the 22 county and county borough councils in Wales is a LPA, although where there is a National Park (Brecon Beacons, Pembrokeshire Coast and Snowdonia) within their areas the role of the LPA is taken by the National Park Authority.

How does the development plan help protect wildlife?

The LPA must make its decisions on planning applications in line with the policies in the development plan unless there are very good reasons not to. This is known as the 'plan-led' system. Most development plans include policies that protect wildlife sites and species from damaging developments.

At the same time, the development plan contains proposals for specific sites. Once a site is designated for a particular type of development in an adopted LDP it is more likely that a planning application for that type of development would be granted.

If the site is valuable for wildlife, it is important to ensure that the wildlife interest will be protected through the LDP proposals and policies. Protection can be assured through preventing the site being allocated for development, but also by ensuring that ways are found to incorporate wildlife protection and enhancement into any planning applications that come forward.

How does an LDP get adopted?

The LDP must go through a number of stages and assessments before it can be adopted. These stages are all publicised by the LPA, and a summary of what stage the LDP has reached, and where it is going next, will be provided on the LPA website.

A useful overview of the process is provided in the Welsh Government's guide *Planning Your Community: A Guide to Local Development Plans (LDPs)*. A detailed description of the process is available in the *Local Development Plan Manual* and *Local Developments Wales*. These documents can be found on the Welsh Government's planning website (www.wales.gov.uk/topics/planning).

A critical stage in the adoption process is the examination of the LPA's draft LDP by a Planning Inspector. The Inspector will assess the plan for 'soundness'. Part of the examination will take place at hearings which members of the public can attend, and may be invited to speak. Once the Inspector has completed the assessment process, he will report on his findings and may require alterations to be made to the LDP before it can be adopted.

What does 'soundness' mean?

The Welsh Government advises that the Local Development Plan needs to be a 'sound' document. This means that it shows good judgement and can be trusted. Part of the test of soundness is that the plan should be underpinned by 'comprehensive and credible evidence'. It is therefore important when making representations on the plan to provide as much evidence as possible to back up your statements.

There are 10 criteria for assessing soundness and it is important to know what these are, as your objections to the plan should say where you think the plan fails a soundness test.

The criteria fall into three categories (procedural, consistency, coherence & effectiveness):

- **Procedural Tests**

P1: it has been prepared in accordance with the Delivery Agreement including the Community Involvement Scheme.

P2: the plan and its policies have been subjected to Sustainability Appraisal including Strategic Environmental Assessment.

- **Consistency Tests**

C1: it is a land use plan which has regard to other relevant plans, policies and strategies relating to the area or to adjoining areas.

C2: it has regard to national policy.

C3: it has regard to the Wales Spatial Plan.

C4: it has regard to the relevant community strategy/ies.

- **Coherence and Effectiveness Tests**

CE1: the plan sets out a coherent strategy from which its policies and allocations logically flow and, where cross boundary issues are relevant, it is compatible with the development plans prepared by neighbouring authorities.

CE2: the strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.

CE3: there are clear mechanisms for implementation and monitoring.

CE4: it is reasonably flexible to enable it to deal with changing circumstances.

How do I get involved?

The early stages

It is important to get involved early on. The 'plan-led' system means that once the planning authority has approved the development plan, objections made to a planning application that conforms to the development plan will have to be very compelling to succeed. Equally, it will be much easier to resist applications where they do not conform with the plan.

The first stage in preparing an LDP is for the LPA to publish a Delivery Agreement: this is made up of a timetable and a Community Involvement Scheme. Every LPA in Wales has now put its Delivery Agreement in place. As with all other LDP documents, the Delivery Agreement is available for you to see on the LPA's website and at its main offices.

In order to achieve a 'sound' plan, the LPA will gather economic, social and environmental information which provides the factual base for the plan. The plan must provide for forms of development that are economically, socially and environmentally sustainable and a 'Sustainability Appraisal Report' will outline how this has been considered. Members of the public can contribute to gathering this information. The LPA must also undertake a Strategic Environmental Assessment to assess the impact of the plan's policies and proposals on the environment.

All the information gathered is drawn together into the Pre-Deposit Local Development Plan documents. These will outline the LPA's 'overall objectives' for the plan, and the 'preferred strategy' for growth or change, including preferred options for major development sites. Members of the public are invited to comment on these documents which are made available for a formal six-week consultation period. This is your opportunity to put forward your views to the LPA, and influence the plan it produces.

The Deposit Plan

This presents the 'preferred strategy' as agreed or amended, proposals for key areas of change, regeneration or protection and specific sites to be used for particular purposes and other specific policies and proposals. It will be accompanied by a Consultation Report outlining how comments at the previous stage have influenced the plan. Once the LDP is placed on 'Deposit' the LPA cannot change it. Any changes to the plan after Deposit stage are a matter for the Planning Inspector who will examine the plan.

At the Deposit stage, there will be a second six-week consultation period, when the members of the public can make comments in support of, or in opposition to, the Deposit LDP. These comments, called 'representations', are all forwarded to the Inspector for him to consider when he examines the draft plan.

Members of the public and developers may suggest alternative sites or boundaries for development to be considered ('site allocation representation'). These need to fit in with the proposed preferred strategy and be tested *by the person making the suggestion* using the 'Sustainability Appraisal'. This is why it is so crucial to come forward with proposals at the earlier 'pre-deposit stage' of the plan - then the tests are done by the LPA.

After the six-week consultation period on the Deposit LDP, the LPA will publish any alternative sites or boundaries that have been suggested. A further six-week consultation period will be allowed for people to comment on the alternative sites and boundaries.

The Examination stage

The Inspector will decide what issues will be discussed at the examination and how they will be heard. This process can last several weeks.

You may attend and listen to the Examination even if you are not taking part in it or made a 'representation'. The Inspector can invite members of the public to speak and provide evidence/further information to ensure that the plan is sound. This could include supporters of the LDP, people who did not make representations, and people who have not asked to be heard.

Adoption

After the Examination, the Inspector will review all the relevant information and consider what changes the LPA should make to the LDP. He or she will then publish the Inspector's Report outlining these changes and explaining the reasons for them. The Inspector's views are binding - the LPA *must* make any recommended changes. After incorporating the Inspector's changes, the LDP can then be adopted by the LPA.

What if it is too late for me to get involved?

It is never too late!

There will be a review of the LDP at least every four years. This may involve rewriting sections of the plan, or replacing it in its entirety.

When a major review takes place, the plan preparation procedure is repeated. You will have the opportunity to contribute to the process once again as it is set out in a new Delivery Agreement.

What should I say?

The opportunity to have your say is easy in the early stages – you can say what you like provided it relates to planning! The consultation process is intended to enable members of the public to become more involved with the planning system. Most of the documents will come with a simple form for you to put your comments on. The process may seem daunting at first, but the LPA can help you through the maze.

There are no right or wrong answers – just say what you would like to see the planning system do in your area and offer any suggestions you have. However, there are some things that are not relevant to planning (for instance, the effect that the proposal will have on property prices in the area) which you should not include. If you are unsure whether this applies to what you wish to say, officers in your LPA can advise you.

There are certain things you might want to mention about wildlife and biodiversity:

- Has the LPA identified all the sites in your area that are important for biodiversity? If not, mention them, being as specific as you can. They need not have an official designation – the key thing is that the LPA knows about them.
- Are any sites that are important for biodiversity under threat due to proposed site allocations?
- Encourage the LPA to look for opportunities to restore or create new habitat in its area. You can even suggest areas where this may be possible.
- Encourage the LPA to create green (wildlife) corridors between areas that are important for biodiversity. Make specific suggestions if you are aware of places where this can be done.
- You could make suggestions about how the LPA could take steps to maximise the biodiversity in new development schemes; for instance, requiring the developer to build ponds, plant trees, or put up nestboxes.

Once the draft LDP progresses to the Deposit Stage, any representations can only be made on the basis of ‘soundness’, and you will need to show why you think the plan does not meet any of the soundness tests when making your comments.

Useful planning links

Welsh Government – Planning (www.wales.gov.uk/topics/planning)

Planning Aid (www.planningaidwales.org.uk)

The Planning Portal (www.planningportal.gov.uk)