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Pennaeth Adfywio a Datblygu
Head of Regeneration and Development

*Gwasanaethau Cynllunio/ Planning Services
Adfywio a Datblygu/Regeneration and Development
Cyngor Sir Powys County Council
Neuadd Brycheiniog
Efordd Cambrian/Cambrian Road
Aberhonddu/Brecon
Powys, LD3 7HR*

Mrs. Rosemary Thomas.
Head of Planning Division,
Environment, Planning and Countryside
Department,
National Assembly for Wales,
Cathays Park,
CARDIFF
CF10 3NQ

Os yn galw gofynnwch am/If calling please ask for:

Enw/Name: Chris O'Brien
Ffôn/Tel: 01874 612351
Ffacs/Fax: 01874 612339
Ebost/Email: christopher.obrien@powys.gov.uk
Eich cyf/Your Ref:
Ein cyf/Our Ref:
Dyddiad/Date: 18th May 2010

Dear Rosemary,

**RE: Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and
Consequential, Transitional and Savings Provisions) (Wales) Order 2005.**

I am writing to inform you that the County Council resolved to conclude the exercise of its powers under the Town & Country Planning (Development Plan) Regulations 1991 at its meeting on the 13th May 2010.

Please find attached for your information:

1. A copy of the Report considered by the County Council; and,
2. The draft minute of the agenda item.

The current development plan for Powys (outside of those areas in the Brecon Beacons and Snowdonia National Parks) is the Powys Unitary Development Plan, adopted 1st March 2010.

I look forward to working on the preparation of the Powys Local Development Plan and would ask that the Welsh Assembly Government considers this letter as a formal request that the County Council may be permitted to commence work under the 2005 Development Plan Regulations.

Yours Sincerely,

Chris O'Brien

Chris O'Brien
Principal Planning Policy & Built Heritage Officer (South) /
Swyddog Treftadaeth Adeiledig a Phrif Bolisi Cynllunio (De)

Enclosures.

1. Powys County Council Report CC71 – 2010. Powys Local Development Plan – Regulatory Powers. 13th May 2010.
2. Draft minute of Powys County Council meeting held on the 13th May 2010.

Gwella ansawdd eich bywyd
improving your quality of life

CC71 - 2010.

CYNGOR SIR POWYS COUNTY COUNCIL.

May 13th 2010

**REPORT AUTHOR: County Councillor Wynne Jones
Portfolio Holder for Regeneration and Development**

SUBJECT: Powys Local Development Plan – Regulatory Powers

REPORT FOR: Decision

1.0 Summary

1.1 The purpose of this report is to obtain Full Council's resolution to conclude the exercise of its powers under the 1991 Development Plan Regulations which regulate UDP preparation and to make a request to WAG that the Council be allowed to commence its powers under the 2005 Development Plan Regulations which regulate the preparation of LDPs.

2.0 Background & Proposal

2.1 Under the Planning and Compulsory Purchase Act 2004 Local Planning Authorities in Wales are required to publish a Local Development Plan. However, Powys County Council was able to continue to the completion of the Powys Unitary Development Plan in accordance with the 1990 Town & Country Planning Act and 1991 Development Plan Regulations as set out by Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005.

2.2 Section 6 of the 2005 Order states: "Where a local planning authority mentioned in the Schedule resolves its intention to conclude the exercise of its powers under the 1991 Regulations, it must, within – (a) 3 weeks, inform the National Assembly, in writing of – (i) that resolution; and (ii) the current development plan status for its area; and (b) 4 weeks, publish on its website the information required by paragraph (a)".

2.3 At its meeting on the 1st March 2010, Powys County Council resolved to adopt the Deposit Draft Powys Unitary Development Plan (2004) as modified (2007, 2008, 2009 & 2010). The Notice of Adoption has been published and served in accordance with the Town & Country Planning (Development Plan) Regulations 1991. The Notice stated that "A person aggrieved by the proposals who desires to question their validity on the ground that they are not within the powers conferred by Part II of the Town and Country Planning Act 1990 or that any requirement of that Act or any regulation made under it has not been complied with in relation to the adoption of the proposals, may, within six weeks from 26/3/2010, make an

application to the High Court under section 287 of the 1990 Act.” The last day for making such an application was the 7th May.

2.4 Given that this date has now been passed without such an application being made, it is considered appropriate to seek Full Council’s resolution to conclude the exercise of its powers under the 1991 Regulations and to write to the Welsh Assembly Government with a request for a Local Order to enable the Council to exercise its powers under the Town & Country Planning (Local Development Plan) (Wales) Regulations 2005. This will enable the Council to commence the preparation of the Powys Local Development Plan process.

Recommendation:	Reason for Recommendation:
To resolve to conclude the exercise of powers under the Town & Country Planning (Development Plan) Regulations 1991.	To comply with the requirements of Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005 in order to enable the Council to apply to WAG to exercise its powers under the LDP Regulations 2005.

Relevant Policy (ies):	N/A		
Within Policy:	Y	Within Budget:	Y
Relevant Local Member(s):			
Person(s) To Implement Decision:	Peter Morris		
Date By When Decision To Be Implemented:	13th May 2010		
Contact Officer Name:	Tel:	Fax:	Email:
Peter Morris	01874 612283		Peter.morris@powys.gov.uk

18.	POWYS LOCAL DEVELOPMENT PLAN – REGULATORY POWERS	CC71 - 2010
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Council was asked to consider concluding the exercise of its powers under the 1991 Development Plan Regulations which regulate UDP preparation and to make a request to WAG to be allowed to commence its powers under the 2005 Development Plan Regulations which regulate the preparation of LDPs.

RESOLVED	Reason for Decision:
To resolve to conclude the exercise of powers under the Town & Country Planning (Development Plan) Regulations 1991.	To comply with the requirements of Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005 in order to enable the Council to apply to WAG to exercise its powers under the LDP Regulations 2005.