

ITEM

MEETING	THE COUNCIL
DATE	16 July 2009
TITLE	Gwynedd Unitary Development Plan
PURPOSE	For the Council to resolve to adopt the Unitary Development Plan as the statutory development plan for the Gwynedd Planning Authority area.
RECOMMENDATION	i) That the Unitary Development Plan in its Proposed Modifications and Further Proposed Modifications format is adopted formally; ii) That the Council grants rights to the Head of Regulatory Department to undertake the appropriate statutory steps linked with adopting a development plan; iii) That the Council grants rights to the Head of Regulatory Department to publish the Plan in its adopted format as soon as possible.
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PORTFOLIO LEADER	Councillor. W. Gareth Roberts

1. Background

- 1.1 The process of preparing the Unitary Development Plan (UDP) for the Gwynedd Planning Authority area has more or less been completed. The flow chart in Appendix 1 provides details of the key stages in the process. The observations received in response to the Further Proposed Modifications published for public consultation (which ended on 9 April 2009) were considered by the Council Board at its meeting on 28 April 2009. It was recommended that the UDP be adopted by the full Council. A notice of the Council's intention to adopt the UDP was published in local papers on 4 and 11 June 2009.
- 1.2 The purpose of this report is to seek a formal decision by the Council to adopt the UDP formally in its Proposed Modifications and Further Proposed Modifications format.

1.3 Hard copies of these documents can be seen in the Council's main offices in Caernarfon, Pwllheli and Dolgellau, in public libraries and in the Members' Reference Library. The documents can also be inspected on the Council's website (www.gwynedd.gov.uk) by following the links under the Planning Policy heading. A CD copy of the Proposed Modifications (August 2008) and the Further Proposed Modifications (February 2009) was sent to each Councillor at the appropriate times.

2. The process of adoption

2.1 As soon as possible after the Council has decided to adopt the UDP it must comply with Regulations 20 and 27 of the Town and Country Planning (Development Plans) Regulations 1991. These regulations mean that:

- A notice should be published once in the London Gazette, and for two consecutive weeks in the local papers, stating when the UDP was adopted and the date on which it came into force;
- A copy of this notice along with copies of the UDP as adopted and copies of the other relevant reports and documents, be made available for inspection in the Council office;
- A copy of the notice should be sent to anyone who asked for information about adopting the UDP;
- Printed copies of the final UDP are available as soon as practicably possible to be inspected in the usual public places and to be bought at a reasonable charge.

2.2 Sections 16.3 c) (iii) and 16.4 of the Strategic Environmental Assessment Regulations 2004 requires a Strategic Environmental Assessment Statement to be published to accompany the plan which is the subject of the Assessment as soon as possible after the adoption of the plan. This will show that the UDP was prepared in accordance with the relevant sections of the Regulations. The statement will summarise how environmental matters were integrated into the UDP, how attention was given to the conclusions of consultation work and the reasons for choosing the document in its adopted format.

2.3 Any person affected by the plan and who doubts the validity of the plan can make a request in accordance with Section 287 of the Town and Country Planning Act 1990, on grounds that the document is not within the appropriate power or that it was not prepared in accordance with procedural requirements, to delete the UDP or parts thereof. The request must be made within six weeks of the date of publishing the first notice in the relevant papers that the UDP has been adopted.

3. The Status of the Unitary Development Plan

3.1 When the Plan is adopted it will be a ‘statutory development plan’ for the Gwynedd Planning Authority area, namely the parts of Gwynedd outside the Snowdonia National Park. It will replace all the following plans:

- Gwynedd Structure Plan
- Menai Straits Local Plan
- Rural Arfon Local Plan
- Dwyfor Local Plan
- Porthmadog Ffestiniog Local Plan
- Dyffryn Ardudwy Local Plan

3.2 In order to comply with Section 38(6) of the Planning and Compulsory Purchase Act 2004, as the UDP will be the ‘statutory development plan’, decisions on planning applications will be required to be made in accordance with the relevant policies within it, unless material planning considerations note otherwise.

4. Conclusion

4.1 As seen from the flow chart, the process of preparing the UDP has been lengthy and complex. The UDP has been through an extensive process of public consultations and was the subject of a Public Local Inquiry. Therefore, the whole process was inclusive and it also went before an independent inspector. It is important to note also that the Welsh Assembly Government did not use its powers to order the Council to amend the Plan or its powers to call the Plan in. As noted above, once the UDP is adopted, it will replace the Gwynedd Structure Plan and the various other Local Plans, which are outdated and possibly do not comply with key aspects of the current Planning Policy Wales.

4.2 The next reasonable step is to decide to adopt the UDP in its Proposed Modifications and Further Proposed Modifications format as the statutory development plan for the Gwynedd Planning Authority area.

5. Recommendation

5.1 That the Unitary Development Plan in its Proposed Modifications and Further Proposed Modifications format is adopted formally;

5.2 That the Council grants rights to the Head of Regulatory Department to undertake the appropriate statutory steps linked with adopting a development plan;

5.3 That the Council grants rights to the Head of Regulatory Department to publish the Plan in its adopted format as soon as possible.

6. Background documents

- 6.1 Gwynedd Unitary Development Plan Deposit Draft (2004)
- 6.2 Proposed Modifications to the Gwynedd Unitary Development Plan Deposit Draft 2001 – 2016 (2008)
- 6.3 Further Proposed Modifications to the Gwynedd Unitary Development Plan Deposit Draft 2001 – 2016 (2009)
- 6.4 Town and Country Planning Act 1990 (as amended)
- 6.5 Town and Country Planning (Development Plans) Regulations 1991