

Appended Update

‘Drop Dead’ Date - Expiration of the Current Adopted LDP

Following the preparation of this report further clarification in the form of a Ministerial letter (dated 24th September 2020) has been received in respect of the uncertainty surrounding the impact of ‘drop dead’ dates.

Up until receipt of this letter it was perceived that authorities with a Development Plan which expired before the adoption of a replacement would be left without a local planning policy document against which to base its decisions. However, the Minister in acknowledging this perception that LDPs will no longer be extant once they have reached the end of their plan period, has taken the opportunity to clarify the position. In so doing she states:

“The provisions in the Planning (Wales) Act 2015 regarding the period to which a plan has effect were commenced on 4 January 2016. These provisions do not have retrospective effect. This means that the provisions do not apply to LDPs adopted prior to this date. Plans adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. For those LDPs adopted after 4 January 2016, the plan will cease to be the LDP on expiry of the period specified in the plan.”

In respect of the above it should be noted that the current Carmarthenshire LDP was adopted in 2014 and predates the above act. Consequently the current adopted LDP will form the basis for decision making until it is superseded by the emerging Revised LDP.

A copy of the letter from the Minister for Housing and Local Government is attached.