

OVERRIDING EASEMENTS AND OTHER RIGHTS

Proposed amendment to paragraph 6 of Schedule 4 to the Welsh Development Agency Act 1975

Consultation Response Form

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Consultation questions

1. Do you agree that section 6 of Schedule 4 to the Welsh Development Agency Act 1975 should be amended such that the overriding of easements etc will apply to the future use of the land?

YES

2. Do you have any comments or information about the benefits and / or detriments of this proposal?

This is an important piece of reform legislation essential to ensure that Compulsory Purchase powers under the Welsh development Agency Act 1975 (as amended by the Government of Wales Acts) whereby rights obtained through statutory acquisition of rights and interests are capable of being transferred to partners in developments.

3. Do you have any related issues which we have not specifically addressed?

The related issues are in respect of the application of this subject go beyond the application to the Assembly's powers. This topic was originally brought to the attention of CLG by the Compulsory Purchase Association culminating in the inclusion as a specific item in the Planning Act 2008 (Schedule 9), as a matter of nationwide concern to ensure that acquiring authorities (primarily

Councils) should be able to apply a similarly worded amendment to Section 237 of the Town and Country Planning Act 1990 (as amended).

A greater concern with members of the CPA in Wales is that where legislation, emanating from Westminster, demonstrates an important national need for consistency of statute throughout England and Wales, that this need would be swiftly implemented. Section 237 amendment is a case in point. The reform was primarily for the benefit of Councils who utilise the Town and Country Planning Act 1990 to empower their CPOs.

It is recognised that in legislative terms there is rightly a requirement for Welsh distinctiveness and political identity but where any reform has benefits that transcends boundaries it is not rational to make changes to proposed national (UK) reform legislation or even refuse to make changes in Wales merely on the grounds of distinctiveness.