

## **Explanatory Memorandum to The Regional Transport Planning (Wales) Order 2014**

This Explanatory Memorandum has been prepared by the Department for Economy, Science and Transport and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Regional Transport Planning (Wales) Order 2014.

Edwina Hart AM  
Minister for Economy, Science and Transport.  
7 August 2014

## **1. Description**

This Order amends local authorities' ability to jointly prepare local transport plans in respect of their collective area. The Order will allow local authorities to determine whether they wish to form groupings to produce Local Transport Plans and, if so, to determine how they should group themselves.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

There are no matters of special interest to the Committee within this Order.

## **3. Legislative background**

Section 108 of the Transport Act 2000 requires that each local transport authority whose area is in Wales must prepare a document to be known as the local transport plan. This plan must contain their policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area, and their policies for the implementation in their area of the Wales Transport Strategy.

Section 112 of the Transport Act 2000 requires a local transport authority to have regard to any guidance issued by the Welsh Ministers concerning—

- a) the content of local transport plans
- b) the preparation of such plans
- c) the alteration and replacement of such plans
- d) the publication and making available of such plans as originally made and as altered or replaced.

Section 113A of the Transport Act 2000 permits the Welsh Ministers to modify by Order the application of sections 108 to 109B in relation to local transport authorities whose areas are in Wales for the purpose of—

- a) permitting a local transport plan to be prepared in respect of part only of an authority's area;
- b) permitting a local transport plan to be prepared by two or more authorities jointly in respect of an area comprising all or any part or parts of their areas.

Section 113A requires the Welsh Ministers to consult the local transport authorities concerned and any other persons it considers appropriate before making any such Order.

The Regional Transport Planning (Wales) Order 2006/2993 (“the 2006 Order”) was made under section 113A of the Transport Act 2000. It allows the local transport plans to be produced jointly in groupings that corresponded to the former Regional Transport Consortia areas. This Order revokes and replaces the 2006 Order.

This Order is to be made under the National Assembly for Wales ‘negative procedure.

#### **4. Purpose & intended effect of the legislation**

The intention is to increase the flexibility with which local authorities can fulfil their statutory duty in relation to transport planning. We wish to amend the transport planning arrangements for Wales, to remove the requirement that if local authorities wish to prepare transport plans jointly then they must group together along Regional Transport Consortia lines. Instead, local authorities are to be able to prepare transport plans jointly, in collective areas of their choosing.

#### **5. Consultation**

Consultation with local transport authorities is required by section 113A of the Transport Act 2000 in the event of making an Order, along with consultation with others that we consider appropriate. The consultation on an amendment order was published in March 2014, alongside the consultation on the guidance under section 112 of the Transport Act 2000. It ran until the end of April 2014. The consultation responses that addressed the amendment Order were in favour of making such an Order.

#### **6. Regulatory Impact Assessment (RIA)**

Section 76(1)(b) of the Government of Wales Act 2006 requires that Welsh Ministers must make a regulatory impact assessment code that outlines their policy on the carrying out of consultation in connection with regulatory impact assessments. RIAs must be completed for proposed legislation which could affect the public or private sectors, charities, the voluntary sector and the business sector.

A RIA must be considered whenever changes to the law through subordinate legislation are being proposed and where costs or benefits could accrue. There may not be a need to complete an RIA for subordinate legislation that imposes no costs or no savings, or negligible costs or savings on the public, private or charities and voluntary sectors, but the justification for any such decision needs to be reflected in the Explanatory Memorandum.

The Amendment Order itself would have limited costs and benefits. Local authorities are already statutorily required to produce local transport plans. The current Order (2006/2993) permits a regional plan to be produced, but local authorities could have continued to produce a separate plan if they wished. This Order will not change that legal position, but it will give local authorities

more flexibility in selecting their groupings for transport planning.

There would be negligible costs to creating plans along different groupings from present, should local authorities choose to do so, as the legal requirement to produce a local transport plan has not been changed.

There are not expected to be any costs imposed on private businesses, charities or voluntary organisations.

As the direct costs or savings from making this Order are negligible, we do not consider that a Regulatory Impact Assessment is required in this case.