COMPULSORY PURCHASE ASSOCIATION

Your Ref: WAG10-10131 **Date** 25th February 2011

Adrian Edwards
Department for the Economy and Transport
Welsh Assembly Government
QED Building
Treforest Industrial Estate
Pontypridd CF10 3NQ

Dear Mr Edwards Re: Consultation – Overriding Easements and other rights
Proposed amendment to paragraph 6 of Schedule 4 to the Welsh Development Agency Act 1975

I write as Convenor and Chair of the South Wales Region of the Compulsory Purchase Association ("the CPA") in respect of the above Consultation which brought to my attention by one of our members, Huw Williams, Partner & Vice-Chairman Geldards LLP.

You may be aware that the Compulsory Purchase Association was instrumental in highlighting the need for this piece of legislative reform so that CLG could present an argument for its inclusion in the Planning Act 2008 (Schedule 9). The reform had the effect of inserting a new subsection s237(1A) into the Town and Country Planning Act 1990. However, in the view of the CPA it was unfortunate that section (1A) was worded so as to only apply to "*the use of any land in England"* rather than to any land in *England and Wales*.

The immediate beneficiaries of the reform under the 2008 Act were obviously Acquiring Authorities (mainly Local Authorities) in England. The CPA therefore welcomes the proposal to amend the Welsh Development Agency Act 1975. However, the proposals do not go far enough. There is a most pressing need for the implementation of s237 (1A) for the benefit of all Acquiring Authorities in Wales (not just the Welsh Assembly Government) so that the effect would be that its application to land in Wales would derive benefits from the same terms as their English counterparts in respect of land in England.

The CPA therefore:

1. endorses the planned reform which is the subject of this consultation;

2. requests that the Welsh Assembly Government implement the simple changes necessary to apply the s237 (1A) reform for Wales to operate in the same way as it does for England; and

3. requests that the Compulsory Purchase Association (South Wales Region) be registered as a consultee in respect of all matters relating to compulsory purchase in Wales.

Yours sincerely

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