

EXPLANATORY MEMORANDUM:

THE REGIONAL TRANSPORT PLANNING (WALES) (AMENDMENT) ORDER 2009

This Explanatory Memorandum has been prepared by the Economy and Transport Department and is laid before the National Assembly for Wales in accordance with SO 24.1.

Description

1. Article 5 of the Regional Transport Planning (Wales) Order 2006 as amended by the Regional Transport Planning (Wales) (Amendment) Order 2008 requires all Regional Transport Plans (RTPs) to be produced and published by the 30 June 2009. This Order amends the date by which the regional consortia need to publish their plans to 31 December 2009.

Matters of special interest to the Subordinate Legislation Committee

2. None

Legislative background

3. Section 109C of the Transport Act 2000, which relates to the transition from the first round of Local Transport Plans produced in 2000 and 2001, requires the Welsh Ministers to specify by Order the date by which these initial Local Transport Plans must be replaced. This date was set at 30 June 2008 by The Regional Transport Planning (Wales) Order 2006 [SI 2006/2993 (W.280)] and subsequently modified to 30 June 2009 by The Regional Transport Planning (Wales) (Amendment) Order 2008 [SI 2008/1286 (W.135)].
4. This order follows the negative resolution procedure.

Purpose and intended effect of the legislation

5. Transport Planning is governed by the provisions of the Transport Act 2000. The Transport (Wales) Act 2006 introduced a number of changes to the transport planning system in Wales. Section 2 of the Transport (Wales) Act 2006 places a statutory duty on the Assembly Government to produce a Wales Transport Strategy. The Assembly Government published the Wales Transport Strategy - Connecting the Nation in May 2008. The strategy sets out the strategic framework for the National Transport Plan and Regional Transport Plans.
6. The Assembly Government is now in the process of developing the National Transport Plan (NTP), which will set out detailed policies and programmes on the delivery of the strategy. The draft NTP is not likely to be published until June 2009, which is after the date when the final RTPs are due to be submitted for approval in March 2009.

7. The intended effect of this Order is to delay the deadline for the RTPs by 6 months to:
- Ensure a more joined-up approach between the NTP and RTPs to produce realistic, prioritised programmes and ensure that the RTPs are fully consistent with the NTP.
 - Ensure the regional transport consortia have a clear idea of the Assembly Governments road and rail programmes and what is expected of them in terms of the requirement to reduce transport-related carbon emissions.
 - Enable the Assembly Government to develop and agree the funding arrangements for the RTPs to take effect from 2010-11.

Implementation

8. The coming-into-force date for this Order is 19 February 2009.
9. Should this legislation be annulled, Regional Transport Consortia will not be able to ensure their RTPs are consistent with the NTP.

Consultation

10. The Order simply postpones the date for publication of RTPs by 6 months. The WLGA and Regional Transport Consortia are aware and content with this proposal. Given the simple and uncontroversial nature of the Order and the WLGA and consortia agreement to the changes, a formal consultation was not undertaken.

Regulatory Impact Assessment

11. A Regulatory Impact Assessment has not been produced. One was not considered necessary because the enabling power (Transport Act 2000) does not give the Welsh Ministers any discretion as to how to exercise the power.