



# Planning (Wales) Act 2015

## 2015 anaw 4

### PLANNING (WALES) ACT 2015

#### **PART 1**

##### INTRODUCTION

- 1 Overview of this Act

#### **PART 2**

##### SUSTAINABLE DEVELOPMENT

- 2 Sustainable development

#### **PART 3**

##### DEVELOPMENT PLANNING

###### *National Development Framework for Wales*

- 3 Preparing and revising the National Development Framework for Wales

###### *Strategic planning*

- 4 Designating strategic planning areas and establishing strategic planning panels
- 5 Strategic planning areas: survey
- 6 Preparing and revising strategic development plans

###### *Status of National Development Framework and strategic development plans*

- 7 Conformity of certain plans and schemes with National Development Framework and strategic development plan
- 8 Duty to consider whether to review local development plan
- 9 National Development Framework and strategic development plan to form part of development plan

*Status: Point in time view as at 05/05/2017.*

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### *Blighted land*

- 10 Land affected by National Development Framework or strategic development plan

### *Local development plans*

- 11 Welsh language  
12 Period for which local development plan has effect  
13 Withdrawal of local development plan  
14 Welsh Ministers' power to direct preparation of joint local development plan  
15 Joint planning boards: functions relating to surveys and local development plans

### *General*

- 16 Development planning: further amendments

## **PART 4**

### PRE-APPLICATION PROCEDURE

- 17 Requirement to carry out pre-application consultation  
18 Requirement to provide pre-application services

## **PART 5**

### APPLICATIONS TO WELSH MINISTERS

#### *Developments of national significance*

- 19 Developments of national significance: applications for planning permission  
20 Developments of national significance: secondary consents  
21 Developments of national significance: local impact reports  
22 Timetable for determining applications

#### *Option to make application to Welsh Ministers*

- 23 Option to make application to Welsh Ministers

### *General*

- 24 Further provision about applications made to Welsh Ministers  
25 Power to make provision by development order in respect of applications to Welsh Ministers  
26 Developments of national significance and applications made to Welsh Ministers: exercise of functions by appointed person  
27 Applications to Welsh Ministers: further amendments

## **PART 6**

### DEVELOPMENT MANAGEMENT ETC

#### *Requirements for applications to local planning authorities*

- 28 Power of local planning authority to require information with application

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- 29 Invalid applications: notice and appeal
- 30 Revocation of saving of Town and Country Planning (Applications) Regulations 1988

*Determination of applications for planning permission*

- 31 Welsh language
- 32 Power to decline to determine retrospective application

*Decision notices and notification of development*

- 33 Decision notices
- 34 Notification of development

*Duration of planning permission*

- 35 Duration of planning permission: general
- 36 Duration of outline planning permission

*Consultation etc in respect of certain applications relating to planning permission*

- 37 Consultation etc in respect of certain applications relating to planning permission

*Stopping up or diversion of public paths*

- 38 Stopping up or diversion of public paths where application for planning permission made

*Exercise of functions of local planning authority relating to applications*

- 39 Exercise of functions of local planning authority relating to applications

*Joint planning boards and National Parks*

- 40 Joint planning boards to be hazardous substances authorities
- 41 Power to make provision enabling joint planning boards to exercise development management functions in National Parks
- 42 Joint planning boards: power to make consequential and supplementary provision

**PART 7**

**ENFORCEMENT, APPEALS ETC**

*Enforcement*

- 43 Breach of planning control: enforcement warning notice
- 44 Appeal against enforcement notice: deemed application for planning permission

*Appeals*

- 45 Restrictions on right to appeal against planning decisions
- 46 Restrictions on right to appeal against enforcement notice
- 47 No variation of application after service of notice of appeal against planning decision etc
- 48 Appeal against notice in respect of land adversely affecting amenity

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*Appeals etc: costs and procedure*

- 49 Costs on applications, appeals and references
- 50 Procedure for certain proceedings
- 51 Costs and procedure on appeals etc: further amendments

**PART 8**

TOWN AND VILLAGE GREENS

- 52 Statement by owner to end use of land as of right
- 53 Exclusion of right to apply for registration
- 54 Applications to amend registers: power to make provision about fees

**PART 9**

GENERAL PROVISIONS

- 55 Regulations and orders made by Welsh Ministers
- 56 Interpretation
- 57 Power to make consequential etc provision
- 58 Coming into force
- 59 Short title

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SCHEDULE 1 — STRATEGIC PLANNING PANELS

PART 1 — CONSTITUTION AND FINANCIAL ARRANGEMENTS OF  
PANELS

- 1 In PCPA 2004, after Schedule 2 insert— SCHEDULE 2A  
STRATEGIC...

PART 2 — FURTHER AMENDMENTS

*Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 2 In section 1 of the Local Authorities (Goods and Services)...

*Local Government Act 1972 (c. 70)*

- 3 In section 80 of the Local Government Act 1972 (disqualifications...

*Local Government Act 2000 (c. 22)*

- 4 In section 83 of the Local Government Act 2000 (conduct...

*Freedom of Information Act 2000 (c. 36)*

- 5 In Part 2 of Schedule 1 to the Freedom of...

*Public Services Ombudsman (Wales) Act 2005 (c. 10)*

- 6 In Schedule 3 to the Public Services Ombudsman (Wales) Act...

*Equality Act 2010 (c. 15)*

- 7 In Part 2 of Schedule 19 to the Equality Act...

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*Welsh Language (Wales) Measure 2011 (nawm 1)*

- 8 (1) Schedule 6 to the Welsh Language (Wales) Measure 2011...

*Local Government (Wales) Measure 2011 (nawm 4)*

- 9 In section 144 of the Local Government (Wales) Measure 2011...

SCHEDULE 2 — DEVELOPMENT PLANNING: FURTHER AMENDMENTS

*Welsh Development Agency Act 1975 (c. 70)*

- 1 The Welsh Development Agency Act 1975 is amended as follows....  
2 In section 21A (powers of land acquisition), in subsection (5)—...  
3 In section 21C (powers to advise on land matters), in...  
4 (1) Schedule 4 (acquisition of land) is amended as follows....

*Wildlife and Countryside Act 1981 (c. 69)*

- 5 The Wildlife and Countryside Act 1981 is amended as follows....  
6 (1) Section 27AA (sites of special scientific interest and limestone...  
7 In section 37A (notification of designation of Ramsar sites), after...

*Town and Country Planning Act 1990 (c. 8)*

- 8 TCPA 1990 is amended as follows.  
9 In section 293A (urgent Crown development: application), in  
subsection (9),...  
10 (1) Section 303A (responsibility of local planning authorities for costs...  
11 In section 306 (contributions by local authorities and statutory  
undertakers),...  
12 In section 324 (rights of entry), after subsection (1A) insert—...  
13 In section 336 (interpretation), in subsection (1), after the definition...  
14 In Schedule 4A (local development orders: procedure), in paragraph  
5(1),...  
15 In Schedule 13 (blighted land), in paragraph 1B, in note...

*Water Resources Act 1991 (c. 57)*

- 16 In Schedule 6 to the Water Resources Act 1991 (orders...

*Coal Industry Act 1994 (c. 21)*

- 17 The Coal Industry Act 1994 is amended as follows.  
18 In section 39 (right to withdraw support from land: notice),...  
19 In section 41 (revocation of right to withdraw support), in...

*Environment Act 1995 (c. 25)*

- 20 (1) Section 66 of the Environment Act 1995 (National Park...

*Countryside and Rights of Way Act 2000 (c. 37)*

- 21 In section 85 of the Countryside and Rights of Way...

*Finance Act 2003 (c. 14)*

- 22 In section 66 of the Finance Act 2003 (stamp duty...

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*Planning and Compulsory Purchase Act 2004 (c. 5)*

- 23 PCPA 2004 is amended as follows.
- 24 In section 19 (preparation of English local development documents),  
in...
- 25 In section 62 (local development plan), in subsection (5) (matters...
- 26 In section 74 (urban development corporations), for “section 60”  
substitute...
- 27 (1) Section 113 (validity of strategies, plans and documents) is...

*Natural Environment and Rural Communities Act 2006 (c. 16)*

- 28 (1) Section 40 of the Natural Environment and Rural Communities...

*Government of Wales Act 2006 (c. 32)*

- 29 In Schedule 10 to the Government of Wales Act 2006...

*Planning and Energy Act 2008 (c. 21)*

- 30 The Planning and Energy Act 2008 is amended as follows....
- 31 (1) Section 1 (energy policies) is amended as follows.
- 32 In section 2 (interpretation), at the end insert— “strategic planning...

*Marine and Coastal Access Act 2009 (c. 23)*

- 33 Schedule 6 to the Marine and Coastal Access Act 2009...
- 34 (1) Paragraph 1 (marine plan authority to notify related planning...
- 35 (1) Paragraph 3 (marine plans to be compatible with certain...
- 36 In paragraph 9 (matters to which marine plan authority is...

SCHEDULE 3 — DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND  
APPLICATIONS MADE TO WELSH MINISTERS: EXERCISE  
OF FUNCTIONS BY APPOINTED PERSON

- 1 In TCPA 1990, after Schedule 4C insert— SCHEDULE 4D  
EXERCISE...
- 2 In section 59 of PCPA 2004 (correction of errors: supplementary),...

SCHEDULE 4 — APPLICATIONS TO WELSH MINISTERS: FURTHER  
AMENDMENTS

- 1 TCPA 1990 is amended as follows.
- 2 In section 58 (granting of planning permission: general), in subsection...
- 3 In section 59 (development orders: general), in subsection (2)(b)—
- 4 Before section 62A insert— “ England: option to make application...
- 5 In section 70 (determination of applications), in subsection (1)(a),  
after...
- 6 In section 70A (power to decline to determine application), as...
- 7 After section 75 insert— Applications made to the Welsh Ministers:...
- 8 In section 87 (exclusion of certain land or descriptions of...
- 9 In section 88 (planning permission for development in enterprise  
zones),...
- 10 In section 92 (outline planning permission), in subsection (1), after...
- 11 In section 93 (provisions supplementary to sections 91 and 92),...
- 12 In section 99 (procedure for orders revoking or modifying planning...
- 13 In section 253 (procedure in anticipation of planning permission), in...

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- 14 In section 257 (footpaths etc affected by other development: orders...
- 15 (1) Section 284 (actions which may be questioned in legal...
- 16 (1) Section 288 (proceedings for questioning the validity of other...
- 17 (1) Section 293A (urgent Crown development: application) is amended as...
- 18 In section 303 (fees for planning applications, etc), after subsection...
- 19 (1) Section 316 (land of interested planning authorities and development...
- 20 (1) Section 319B (determination of procedure for certain proceedings) is...
- 21 In section 324 (rights of entry), in subsection (1), after...
- 22 In Schedule 1A (distribution of local planning authority functions: Wales),...
- 23 (1) In Schedule 16, Part 1 (provisions which may be...

#### SCHEDULE 5 — COSTS AND PROCEDURE ON APPEALS ETC: FURTHER AMENDMENTS

##### *Highways Act 1980 (c. 66)*

- 1 The Highways Act 1980 is amended as follows.
- 2 (1) Section 121 is amended as follows.
- 3 In Schedule 6, in paragraph 2B— (a) in sub-paragraph (1),...

##### *Wildlife and Countryside Act 1981 (c. 69)*

- 4 The Wildlife and Countryside Act 1981 is amended as follows....
- 5 In section 28F, after subsection (11) insert—
- 6 In section 28L, after subsection (13) insert—
- 7 In Schedule 15, in paragraph 10A— (a) in sub-paragraph (1),...

##### *Town and Country Planning Act 1990 (c. 8)*

- 8 TCPA 1990 is amended as follows.
- 9 In section 175, in subsection (7), after “any proceedings” insert...
- 10 In section 196, in subsection (8), after “any proceedings” insert...
- 11 In section 208, omit subsection (11).
- 12 (1) Section 320 is amended as follows.
- 13 (1) Section 322 is amended as follows.
- 14 (1) Section 322A is amended as follows.
- 15 (1) Section 323 is amended as follows.
- 16 (1) Schedule 6 is amended as follows.
- 17 In Schedule 7, in paragraph 8— (a) in sub-paragraph (6),...
- 18 In Schedule 8, in paragraph 5— (a) in sub-paragraph (3),...

##### *Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

- 19 The Planning (Listed Buildings and Conservation Areas) Act 1990 is...
- 20 In section 41, in subsection (8), after “any proceedings” insert...
- 21 (1) Section 89 is amended as follows.
- 22 In Schedule 3, in paragraph 6— (a) in sub-paragraph (4),...

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*Planning (Hazardous Substances) Act 1990 (c. 10)*

- 23 The Planning (Hazardous Substances) Act 1990 is amended as follows....
- 24 In section 25, in subsection (5), after “any proceedings” insert...
- 25 (1) Section 37 is amended as follows.
- 26 In the Schedule, in paragraph 6— (a) in sub-paragraph (4),...

*Tribunals and Inquiries Act 1992 (c. 53)*

- 27 In section 16 of the Tribunals and Inquiries Act 1992,...

SCHEDULE 6 — TOWN AND VILLAGE GREENS: NEW SCHEDULE 1B TO THE COMMONS ACT 2006

SCHEDULE 7 — REGULATIONS AND ORDERS MADE BY WELSH MINISTERS

*Regulations under PCPA 2004*

- 1 (1) Section 122 of PCPA 2004 (regulations and orders) is...
- 2 In Schedule 11 to the Government of Wales Act 2006...

*Regulations under TCPA 1990*

- 3 In section 333 of TCPA 1990 (regulations and orders), after...
- 4 (1) TCPA 1990 is further amended as follows.

*Orders under TCPA 1990*

- 5 In section 59 of TCPA 1990 (development orders: general), after...
- 6 (1) Section 333 of TCPA 1990 is amended as follows....
- 7 (1) TCPA 1990 is further amended as follows.

*Regulations and orders under the Commons Act 2006*

- 8 (1) Section 59 of the Commons Act 2006 (c. 26)...
- 9 In section 61(1) of that Act (interpretation), in the definition...



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