

*These notes refer to the Planning (Wales) Act 2015
(c.4) which received Royal Assent on 6 July 2015*

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 Development Planning

Section 9 – National Development Framework and Strategic Development Plan to form part of development plan

42. This section amends section 38(4) of the PCPA 2004 so that the development plan for any area of Wales consists of the National Development Framework, the strategic development plan and the local development plan.
43. Section 70 of the TCPA 1990 states that when dealing with an application for planning permission, a local planning authority must have regard to the development plan and other material considerations. Section 38(6) of the PCPA 2004 requires that where regard is to be had to a development plan, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The effect of the amendment made by section 9 is that local planning authorities must have regard to all three plans when making planning decisions. If there is a conflict between the three development plans, section 38(5) of the Act 2004 provides that the conflict is resolved in favour of the most recent plan.