



# Planning (Wales) Act 2015

2015 anaw 4

## PART 3

### DEVELOPMENT PLANNING

#### *National Development Framework for Wales*

### 3 Preparing and revising the National Development Framework for Wales

In PCPA 2004, for section 60 (and the cross-heading before it) substitute—

#### *“National Development Framework*

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

- (1) There must be a plan, prepared and published by the Welsh Ministers, to be known as the National Development Framework for Wales.
- (2) The Framework must set out such of the policies of the Welsh Ministers in relation to the development and use of land in Wales as the Welsh Ministers consider appropriate.
- (3) The Framework may specify that development of a particular description, in a particular area or location, is to constitute development of national significance for the purposes of section 62D of the principal Act (development of national significance: applications to be made to Welsh Ministers).
- (4) The Framework must give reasons for—
  - (a) the policies that it sets out, and
  - (b) any provision that it makes as mentioned in subsection (3).
- (5) The Framework must explain how, in preparing the Framework, the Welsh Ministers have taken into account relevant policies set out in—

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- (a) any marine plan adopted and published by them under Part 3 of the Marine and Coastal Access Act 2009, and
  - (b) the Wales Transport Strategy published under section 2 of the Transport (Wales) Act 2006.
- (6) The Framework must specify the period for which it is to have effect.
- (7) A plan ceases to be the National Development Framework for Wales on the expiry of the period specified under subsection (6).

#### **60A Preparation of Framework: statement of public participation**

- (1) The Welsh Ministers must prepare and publish a statement of public participation setting out their policies relating to the consultation to be carried out in preparing the National Development Framework for Wales.
- (2) In particular, the statement must include provision about—
- (a) the form that the consultation will take,
  - (b) when the consultation will take place, and
  - (c) the steps that will be taken to involve members of the public in the preparation of the Framework.
- (3) The statement must provide that, as part of the consultation, the Welsh Ministers will—
- (a) publish a draft of the Framework, and
  - (b) allow a period of 12 weeks beginning with the publication of the draft Framework during which any person may make representations with regard to the draft.
- (4) The Welsh Ministers may revise the statement, and must publish the statement as revised.

#### **60B Procedure for preparation and publication of Framework**

- (1) Before publishing the National Development Framework for Wales, the Welsh Ministers must—
- (a) prepare a draft of the Framework,
  - (b) carry out an appraisal of the sustainability of the policies set out in the draft, and
  - (c) carry out consultation in accordance with the statement of public participation.
- (2) The appraisal under subsection (1)(b) must include an assessment of the likely effects of the policies in the draft Framework on the use of the Welsh language.
- (3) If, after complying with subsection (1), the Welsh Ministers wish to proceed with the draft of the Framework (with or without changes), they must lay before the National Assembly for Wales—
- (a) the draft, and
  - (b) a report which—
    - (i) summarises the representations they received during the consultation carried out under subsection (1)(c), and

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- (ii) explains how they have taken the representations into account.
- (4) The Welsh Ministers must have regard to—
  - (a) any resolution passed by the National Assembly for Wales with regard to the draft Framework during the Assembly consideration period, and
  - (b) any recommendation made by a committee of the National Assembly with regard to the draft during that period.
- (5) After the expiry of the Assembly consideration period, the Welsh Ministers—
  - (a) may publish the National Development Framework for Wales in the terms of the draft laid under subsection (3), or
  - (b) if they propose to make changes to that draft, may—
    - (i) lay before the National Assembly for Wales an amended draft of the Framework, and
    - (ii) publish the National Development Framework for Wales in the terms of the amended draft.
- (6) If any resolution was passed or any recommendation was made as mentioned in subsection (4), the Welsh Ministers must also, not later than the day on which the Framework is published, lay before the National Assembly for Wales a statement explaining how they have had regard to the resolution or recommendation.
- (7) In this section, “the Assembly consideration period” means the period of 60 days beginning with the day on which a draft of the Framework is laid before the National Assembly for Wales under subsection (3), disregarding any time when the National Assembly is dissolved or is in recess for more than four days.

### **60C Review and revision of Framework**

- (1) The Welsh Ministers must keep the National Development Framework for Wales under review.
- (2) The Welsh Ministers may revise the Framework at any time, and must publish the Framework as revised.
- (3) Sections 60A and 60B apply for the purposes of the revision of the Framework, as if references to the Framework (or a draft of the Framework) were references to the Framework as revised (or a draft of the Framework as revised).
- (4) Subsection (5) applies if the Welsh Ministers, having published a draft of a revised Framework in accordance with the statement of public participation, decide not to proceed with the revision of the Framework.
- (5) The Welsh Ministers must—
  - (a) publish notice of their decision and the reasons for it, and
  - (b) if a draft of a revised Framework has been laid before the National Assembly for Wales under section 60B(3), lay a copy of the notice before the National Assembly.
- (6) Subsection (7) applies if—
  - (a) a review period ends, and
  - (b) the Welsh Ministers have not, within that period—
    - (i) published a revised Framework, or

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- (ii) laid a draft revised Framework before the National Assembly for Wales under section 60B(3).
- (7) As soon as reasonably practicable after the end of the review period, the Welsh Ministers must publish and lay before the National Assembly for Wales a statement—
  - (a) setting out their assessment of whether the Framework should be revised and giving reasons for that assessment, and
  - (b) if they consider that the Framework should be revised, setting out a timetable for its revision.
- (8) For the purposes of subsections (6) and (7)—
  - (a) the first review period—
    - (i) begins with the day on which the Framework is first published, and
    - (ii) ends with the fifth anniversary of the day on which the Framework is first published or, if earlier, with the day on which a revised Framework is published;
  - (b) each subsequent review period—
    - (i) begins with the day after the last day of the preceding review period, and
    - (ii) ends with the fifth anniversary of the last day of the preceding review period or, if earlier, with the day on which a revised Framework is published.”

#### *Strategic planning*

#### **4 Designating strategic planning areas and establishing strategic planning panels**

- (1) In PCPA 2004, after section 60C (as inserted by section 3) insert—

#### *“Strategic planning*

##### **60D Power to designate strategic planning area and establish strategic planning panel**

- (1) The Welsh Ministers may by regulations—
  - (a) designate an area in Wales as a strategic planning area for the purposes of this Part, and
  - (b) establish a strategic planning panel for that area.
- (2) A strategic planning area must comprise—
  - (a) all of the area of one local planning authority, and
  - (b) all or part of the area of at least one other local planning authority.
- (3) The Welsh Ministers must not make regulations under this section unless—
  - (a) they have given a direction under section 60E(1) to a local planning authority all or part of whose area is included in the strategic planning area to be designated by the regulations,
  - (b) either—

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- (i) a proposal for an area to be designated has been submitted in accordance with section 60E(6), or
    - (ii) the period for complying with section 60E(6) has ended without a proposal being submitted, and
  - (c) they have carried out any consultation required by section 60F(1).
- (4) Paragraphs (a) and (b) of subsection (3) do not apply in relation to regulations that revoke or amend previous regulations under this section.
- (5) Schedule 2A contains provisions about strategic planning panels.

### **60E Preparation and submission of proposal for strategic planning area**

- (1) The Welsh Ministers may direct one or more local planning authorities to submit a proposal for an area to be designated as a strategic planning area under section 60D.
- (2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.
- (3) In this section, the “responsible authority” means—
- (a) where a direction under subsection (1) is given to a single local planning authority, that authority;
  - (b) where a direction under subsection (1) is given to two or more local planning authorities, those authorities acting jointly.
- (4) The responsible authority must prepare a proposal for an area to be designated as a strategic planning area.
- (5) Before submitting the proposal to the Welsh Ministers, the responsible authority must consult—
- (a) each local planning authority, other than one to which the direction under subsection (1) was given, for an area all or part of which is included in the proposed strategic planning area, and
  - (b) any other persons specified in, or of a description specified in, the direction.
- (6) The responsible authority must submit to the Welsh Ministers—
- (a) the proposal, and
  - (b) a report about the consultation carried out under subsection (5).
- (7) A proposal submitted under subsection (6)(a) must include—
- (a) a map showing the boundaries of the area which the responsible authority propose should be designated as a strategic planning area,
  - (b) a statement of the reasons for proposing that area, and
  - (c) any other information specified by the Welsh Ministers in the direction given under subsection (1).
- (8) The responsible authority must comply with subsection (6)—
- (a) before the end of any period specified in the direction;
  - (b) if no period is specified in the direction, before the end of six months beginning with the day on which the direction is given.

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- (9) The Welsh Ministers may agree to extend the period for complying with subsection (6) in a particular case.
- (10) The responsible authority must comply with any requirements set out in the direction as to—
  - (a) how the consultation required by subsection (5) must be carried out;
  - (b) the form and content of the report about the consultation;
  - (c) how the proposal and the report must be submitted under subsection (6).
- (11) Subsection (12) applies if the Welsh Ministers, having given a direction under subsection (1), decide not to designate a strategic planning area.
- (12) The Welsh Ministers must give notice of their decision and the reasons for it—
  - (a) to the responsible authority, and
  - (b) if a proposal has been submitted under subsection (6), to each authority within subsection (5)(a).

**60F Consultation by Welsh Ministers before making certain regulations under section 60D**

- (1) If the Welsh Ministers propose to make regulations under section 60D to which this section applies, they must consult—
  - (a) each relevant local planning authority, and
  - (b) any other persons they consider appropriate.
- (2) This section applies to regulations under section 60D if the Welsh Ministers have given a direction under section 60E(1) and—
  - (a) the boundaries of the strategic planning area that would be designated by the regulations are different from the boundaries of the area proposed under section 60E(6) pursuant to the direction, or
  - (b) the period for complying with section 60E(6) has ended without a proposal being submitted.
- (3) This section also applies to regulations under section 60D revoking or amending previous regulations under that section.
- (4) A local planning authority is a relevant local planning authority in relation to regulations to which this section applies if all or part of the authority’s area is included in—
  - (a) the strategic planning area that would be designated by the regulations, or
  - (b) a strategic planning area designated by previous regulations under section 60D that would be revoked or amended by the regulations.

**60G Provision of information to Welsh Ministers**

A local planning authority must provide the Welsh Ministers with any information that the Welsh Ministers request for the purpose of exercising their functions under sections 60D to 60F.”

- (2) For further provisions about strategic planning panels, see Schedule 1.

## **5 Strategic planning areas: survey**

In PCPA 2004, after section 60G (as inserted by section 4) insert—

### **“60H Strategic planning area: survey**

- (1) A strategic planning panel must keep under review the matters which may be expected to affect the development of its strategic planning area or the planning of the development of that area.
- (2) Subsections (2) to (5) of section 61 apply in relation to a strategic planning panel as they apply in relation to a local planning authority.
- (3) In subsections (2) to (5) of section 61 as they apply by virtue of subsection (2)—
  - (a) references to a local planning authority are to be construed as references to a strategic planning panel;
  - (b) references to a neighbouring area are to be construed as references to a neighbouring strategic planning area.”

## **6 Preparing and revising strategic development plans**

In PCPA 2004, after section 60H (as inserted by section 5) insert—

### **“60I Strategic development plan**

- (1) A strategic planning panel must prepare a plan for its strategic planning area, to be known as a strategic development plan.
- (2) The plan must set out—
  - (a) the panel’s objectives in relation to the development and use of land in its area;
  - (b) the panel’s policies for the implementation of those objectives.
- (3) A strategic development plan must be in general conformity with the National Development Framework for Wales.
- (4) The plan must specify the period for which it is to have effect.
- (5) The Welsh Ministers may by regulations make provision about—
  - (a) the period that may be specified under subsection (4);
  - (b) the form and content of the plan.
- (6) In preparing a strategic development plan, the strategic planning panel must have regard to—
  - (a) current national policies;
  - (b) the National Development Framework for Wales;
  - (c) the strategic development plan for any strategic planning area that adjoins the panel’s area;
  - (d) the local development plan for each area all or part of which is included in the panel’s area;
  - (e) the resources likely to be available for implementing the strategic development plan;
  - (f) any other matters prescribed by the Welsh Ministers in regulations.

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- (7) The panel must also—
  - (a) carry out an appraisal of the sustainability of the plan;
  - (b) prepare a report of the findings of the appraisal.
- (8) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the strategic planning area.
- (9) A plan is a strategic development plan only in so far as it is—
  - (a) adopted by resolution of the strategic planning panel as a strategic development plan, or
  - (b) approved by the Welsh Ministers under section 65 or 71 (as they apply by virtue of section 60J).
- (10) The plan ceases to be a strategic development plan on the expiry of the period specified under subsection (4).

#### **60J Strategic development plan: application of provisions of this Part**

- (1) The provisions specified in subsection (3) apply in relation to a strategic development plan as they apply in relation to a local development plan.
- (2) Accordingly, where a provision specified in subsection (3) confers power for the Welsh Ministers to make provision by regulations in respect of a local development plan, that power is also exercisable so as to make provision in respect of a strategic development plan.
- (3) The provisions are sections 63 to 68, 68A(1), 69 to 71, 73 and 75 to 77.
- (4) In those provisions as they apply by virtue of subsection (1)—
  - (a) references to a local planning authority are to be construed as references to a strategic planning panel;
  - (b) references to a local development plan are to be construed as references to a strategic development plan.
- (5) In section 64(5)(a) as it applies by virtue of this section, the reference to section 62 is to be construed as a reference to section 60I.
- (6) In section 77(2)(a) as it applies by virtue of this section, the reference to section 62(6) is to be construed as a reference to section 60I(7).”

*Status of National Development Framework and strategic development plans*

#### **7 Conformity of certain plans and schemes with National Development Framework and strategic development plan**

- (1) In section 62 of PCPA 2004 (local development plan), after subsection (3) insert—
  - “(3A) The plan must be in general conformity with—
    - (a) the National Development Framework for Wales, and
    - (b) the strategic development plan for any strategic planning area that includes all or part of the area of the authority.”



- (2) In section 83 of TCPA 1990 (making of simplified planning zone schemes), after subsection (3) insert—

“(3A) A simplified planning zone scheme for an area in Wales must be in general conformity with—

- (a) the National Development Framework for Wales (see sections 60 to 60C of the Planning and Compulsory Purchase Act 2004), and
- (b) the strategic development plan for any strategic planning area that includes all or part of the simplified planning zone (see sections 60I and 60J of that Act).”

## **8 Duty to consider whether to review local development plan**

- (1) In PCPA 2004, after section 68 insert—

### **“68A Duty to consider whether to review local development plan**

- (1) Following the publication of the National Development Framework for Wales or a revised Framework, a local planning authority must consider whether to carry out a review of their local development plan.
- (2) Following the adoption or approval of a strategic development plan or revised strategic development plan for a strategic planning area, a local planning authority for an area all or part of which is included in the strategic planning area must consider whether to carry out a review of their local development plan.”

- (2) In section 69 of PCPA 2004 (review of local development plan), in subsection (1), for “at such times as the Assembly prescribes” substitute “—

- (a) if, after consideration under section 68A, they think that the plan should be reviewed, and
- (b) at such other times as the Welsh Ministers prescribe”.

## **9 National Development Framework and strategic development plan to form part of development plan**

In section 38 of PCPA 2004 (development plan), in subsection (4) (areas in Wales), for “the local development plan adopted or approved in relation to that area” substitute “—

- (a) the National Development Framework for Wales,
- (b) the strategic development plan for any strategic planning area that includes all or part of that area, and
- (c) the local development plan for that area”.

### *Blighted land*

## **10 Land affected by National Development Framework or strategic development plan**

- (1) Schedule 13 to TCPA 1990 (blighted land) is amended as set out in subsections (2) to (6).

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- (2) In paragraph 1B (land in Wales identified for the purposes of relevant public functions by a local development plan), after “local development plan” insert “or strategic development plan”.
- (3) In Note (1) to that paragraph, for “National Assembly for Wales” substitute “Welsh Ministers”.
- (4) In Note (2) to that paragraph—
- (a) in the opening words and in paragraph (a), after “local development plan” insert “or strategic development plan”;
  - (b) in paragraph (b), for “a local development plan” substitute “such a plan”;
  - (c) in paragraph (c)—
    - (i) after “local development plan” insert “or strategic development plan”;
    - (ii) for “National Assembly” substitute “Welsh Ministers”;
  - (d) in paragraph (d)—
    - (i) for “a local development plan” substitute “such a plan”;
    - (ii) for “National Assembly” substitute “Welsh Ministers”.
- (5) In Note (4) to that paragraph—
- (a) omit “local development”;
  - (b) for “National Assembly”, in each place, substitute “Welsh Ministers”.
- (6) After paragraph 1B insert—
- “1C Land in Wales which is identified for the purposes of relevant public functions (within the meaning of paragraph 1B) by the National Development Framework for Wales.

*Notes*

- (1) In this paragraph, the reference to the National Development Framework for Wales is a reference to—
    - (a) the National Development Framework for Wales, or a revised Framework, which is published under sections 60 to 60C of the Planning and Compulsory Purchase Act 2004, and
    - (b) a draft of the Framework, or of a revised Framework, which has been laid before the National Assembly for Wales under section 60B(3) of that Act.
  - (2) This paragraph does not apply to land that falls within paragraph 1B.
  - (3) Note (1)(b) ceases to apply in relation to a draft of a revised Framework if the Welsh Ministers lay before the National Assembly for Wales a copy of a notice that they have decided not to proceed with the revision of the Framework.”
- (7) In TCPA 1990, after the cross-heading before section 165 insert—

**“164A Power of Welsh Ministers to acquire land identified by National Development Framework for Wales where blight notice served**

Where a blight notice has been served in respect of land falling within paragraph 1C of Schedule 13, the Welsh Ministers have power to acquire

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compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.”

(8) In section 170 of TCPA 1990 (“appropriate enactment” for purposes of blight provisions)—

- (a) in subsection (2), after “land falling within paragraph” insert “1B, 1C,”;
- (b) after subsection (2) insert—

“(2A) In relation to land falling within—

- (a) paragraph 1B of that Schedule by virtue of Note (2)(c) or (d) to that paragraph, or
- (b) paragraph 1C of that Schedule by virtue of Note (1)(b) to that paragraph,

“the appropriate enactment” is to be determined in accordance with subsection (2) as if references in that subsection to the development plan were references to any such plan, revision or draft as is mentioned in the Note in question.”

#### *Local development plans*

### **11 Welsh language**

(1) PCPA 2004 is amended as follows.

(2) In section 61 (survey), in subsection (2)(a), after “area of the authority” insert “(including the extent to which the Welsh language is used in the area)”.

(3) In section 62 (local development plan), after subsection (6) (sustainability appraisal), insert—

“(6A) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area of the authority.”

### **12 Period for which local development plan has effect**

(1) Section 62 of PCPA 2004 (local development plan) is amended as follows.

(2) Before subsection (4) insert—

“(3B) The plan must specify the period for which it is to have effect.”

(3) In subsection (4), after “may” insert “—

- (a) make provision about the period that may be specified under subsection (3B);
- (b)”.

(4) After subsection (8) insert—

“(9) A plan ceases to be a local development plan on the expiry of the period specified under subsection (3B).”

### **13 Withdrawal of local development plan**

For section 66 of PCPA 2004 (withdrawal of local development plan) substitute—

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**“66 Withdrawal of local development plan in accordance with direction**

- (1) The Welsh Ministers may, at any time before a local development plan is adopted under section 67, direct the local planning authority to withdraw the plan.
- (2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.
- (3) The authority must withdraw the plan in accordance with the direction.

**66A Withdrawal of local development plan in absence of direction**

- (1) This section applies where a local planning authority are not required to withdraw their local development plan under section 66.
- (2) Subject to the provisions of this section, the authority may withdraw the plan at any time before adopting it under section 67.
- (3) A local planning authority may not withdraw their local development plan when the Welsh Ministers have—
  - (a) directed the authority to submit the plan for approval under section 65(4), or
  - (b) taken any step under section 71 in connection with the plan.
- (4) A local planning authority may withdraw a local development plan that has been submitted for independent examination under section 64 only if—
  - (a) the person carrying out the independent examination recommends that the plan is withdrawn, and
  - (b) the recommendation is not overruled by a direction given by the Welsh Ministers.
- (5) A local planning authority may withdraw a local development plan to which subsection (6) applies only if—
  - (a) the authority have given notice to the Welsh Ministers of their intention to withdraw the plan, and
  - (b) the notice period has expired.
- (6) This subsection applies to a local development plan if the local planning authority—
  - (a) have not yet submitted the plan for independent examination under section 64, but
  - (b) have taken steps in connection with the preparation of the plan that are specified in regulations made by the Welsh Ministers.
- (7) Where a local planning authority have given notice under subsection (5)(a), the Welsh Ministers may, by direction to the authority, do either or both of the following—
  - (a) require the authority to provide further information;
  - (b) extend the notice period.

- (8) The Welsh Ministers may by regulations make provision about the giving of notices and directions under this section (including provision about their form and content and how they are to be given).
- (9) Subject to any direction given under subsection (7)(b) in a particular case, the “notice period” means whatever period, beginning with the giving of notice under subsection (5)(a), is specified in regulations made by the Welsh Ministers.”

#### **14 Welsh Ministers’ power to direct preparation of joint local development plan**

- (1) Section 72 of PCPA 2004 (joint local development plans) is amended as follows.
- (2) Before subsection (1) insert—
  - “(A1) The Welsh Ministers may direct two or more local planning authorities to prepare a joint local development plan.
  - (A2) But a direction under subsection (A1) may not be given to a National Park authority.”
- (3) In subsection (1), after “may” insert “, in the absence of a direction to any of them under subsection (A1),”.
- (4) After subsection (1) insert—
  - “(1A) If the Welsh Ministers give a direction under subsection (A1), they must state their reasons for doing so.
  - (1B) The authorities to which a direction is given must, subject to any withdrawal or variation of the direction, act jointly in exercising their functions under this Part relating to local development plans.”
- (5) In subsection (3), after “mentioned in subsection” insert “(A1) or”.
- (6) In subsection (4), after “if” insert “—
  - (a) the Welsh Ministers withdraw a direction under subsection (A1) or vary such a direction so that it ceases to apply to a local planning authority, or
  - (b)”.
- (7) In subsection (5)—
  - (a) in paragraph (a), after “authority” insert “to which the direction was given or”;
  - (b) in paragraph (b), for “who” substitute “to which the direction was given or which”.
- (8) In subsection (6), after “to which the” insert “direction or”.
- (9) In subsection (7), after “authority” insert “to which the direction was given or”.
- (10) After subsection (7) insert—
  - “(7A) The Welsh Ministers may by regulations—
    - (a) specify circumstances in which subsections (5) and (7) are not to apply in relation to an authority;

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- (b) make provision as to what is a corresponding plan or corresponding joint local development plan.”

**15 Joint planning boards: functions relating to surveys and local development plans**

(1) PCPA 2004 is amended as follows.

(2) In section 78 (interpretation of Part 6), for subsection (3) substitute—

“(3) But—

- (a) a National Park authority is the local planning authority for the whole of its area;
- (b) a joint planning board is the local planning authority for the whole of its united district (and references to the area of a local planning authority are, in relation to such a board, to be construed as references to its united district).”

(3) In section 62 (local development plan), in subsection (7) (relevant local well-being plan), after paragraph (b) insert—

- “(c) in the case of an authority which is a joint planning board, the public services board for an area that includes any part of that authority’s united district.”

*General*

**16 Development planning: further amendments**

For further amendments relating to development planning, see Schedule 2.