

The planning consolidation bills: background briefing

Research Briefing

December 2025



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This briefing provides a background to the planning consolidation bills, including links to key documents, a summary of how the bills were developed and a high level overview of the Welsh planning system.



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1. Background to the planning consolidation bills

On 15 September 2025, Julie James MS, the Counsel General and Minister for Delivery, introduced two Consolidation Bills to the Senedd – the **Planning (Wales) Bill** (the Planning Bill) and the **Planning (Consequential Provisions) (Wales) Bill** (the Consequential Provisions Bill).

Alongside the **Planning Bill** and the **Consequential Provisions Bill**, the Counsel General laid before the Senedd (as required by Standing Orders) a joint **Explanatory Memorandum**, and:

- **Draft Explanatory Notes** – for the **Planning Bill** and for the **Consequential Provisions Bill**.
- **Table of Origins** – for the **Planning Bill** and for the **Consequential Provisions Bill**. These are prepared by the Office of the Legislative Counsel within the Welsh Government in order to assist the reader of the Bill. They should be read in conjunction with the Bill but are not part of it. The Table of Origins shows the derivations of the provisions of the Bill.
- **Table of Destinations** – for the **Planning Bill** and for the **Consequential Provisions Bill**. These are prepared by the Office of the Legislative Counsel within the Welsh Government in order to assist the reader of the Bill. They should be read in conjunction with the Bill but are not part of it. The Table of Destinations shows how the enactments replaced by the Act are dealt with by the consolidation.
- **Explanation of changes made to existing provisions (Drafters' Notes)** – for the **Planning Bill** and for the **Consequential Provisions Bill**. These notes are prepared by the Welsh Government's Office of the Legislative Counsel under Standing Order 26C.9(v). They describe the general approach that has been taken in drafting the Bill.
- **Correspondence** and **supplementary correspondence** from the Law Commission regarding the recommendations of the Law Commission as to whether certain changes to the law are appropriate for inclusion in the proposed consolidation under Standing Order 26C.2(v).

The Planning Bill

The purpose of the Planning Bill is to consolidate legislation relating to planning in Wales, principally:

- the *Town and Country Planning Act 1990*,
- the *Planning and Compensation Act 1991*,
- the *Environment Act 1995*,
- the *Planning and Compulsory Purchase Act 2004*,
- the *Planning Act 2008*, and
- the *Planning (Wales) Act 2015*.

In accordance with the Standing Orders 26C.2, the Planning Bill restates existing legislation with any changes of structure, language or format for the purpose of improving the presentation of the law. It also clarifies the application or effect of existing planning law, for example, by consolidating case law, and removes or omits provisions which are obsolete, spent or no longer of practical utility or effect. In addition, it makes minor changes to existing law for the purposes of achieving a satisfactory consolidation, and makes other changes to the law as recommended by the Law Commission.

The Planning Bill replaces some significant terms used in existing legislation with new terms. The Welsh Government has published a **list setting out the key changes in terminology** introduced by the Bill.

One of these **changes is from the existing term** “material considerations” to “relevant considerations”. This change was recommended by the Law Commission in its **Planning Law in Wales report**, which argued that “relevant considerations” is a more commonly-understood term, that both terms are interpreted by the courts to have the same meaning, and that “relevant” is easier to convey bilingually.

The Consequential Provisions Bill

The purpose of the Consequential Provisions Bill is to amend and repeal enactments, and make transitional and savings provisions, in connection with the Bill. It has six sections and five Schedules, and contains a small number of amendments correcting mistakes in the *Historic Environment (Wales) Act 2023*.

Implementing the bills

Should the Bills be enacted, the Welsh Government will make subordinate legislation to bring the legislation fully into effect. After the commencement of the Planning Act, and in a phased approach, the Welsh Government will consolidate and update the remaining suite of subordinate legislation in relation to planning.

The Welsh Government has **previously stated** that it intends to create a code of Welsh law in relation to planning, and although the final content of that code is yet to be determined, it will contain subordinate legislation.

2. Developing the planning consolidation bills

Consolidation has been over ten years in the making

The Law Commission's **Twelfth Programme of Law Reform**, published in 2014, identified "planning and development control in Wales" as one of a number of projects for law reform in England and Wales.

The Welsh Government invited the Law Commission to review the law relating to town and country planning in Wales, and to make recommendations to modernise and simplify the law.

This was connected to the Commission's **previous work** culminating in its 2016 report on **The Form and Accessibility of the Law Applicable in Wales**.

The **Commission identified** the following 'problem':

Planning law in Wales is unnecessarily complicated and, in places, difficult to understand.

The legislation has not been consolidated since the Town and Country Planning Act 1990, and that has been supplemented by a succession of piecemeal changes ever since – notably the Planning and Compensation Act 2004 and the Planning (Wales) Act 2015.

Furthermore, it is becoming increasingly difficult to identify what the planning law of Wales actually is. New legislation made in the Assembly and in Parliament may apply to Wales only, to England only, or to both England and Wales. This creates an ever more complex system.

There are also a number of places where the law could be made clearer, or where redundant provisions could be done away with.

The Commission also published a **scoping paper** in 2016 setting out initial proposals for a potential consolidation and reform exercise.

This was followed by a **full consultation paper** in 2017 setting out conclusions on the scope of the project and outlining 186 proposals for technical reforms.

The consultation received 165 written responses, **summarised by the Commission** as follows:

The responses we received generally supported our proposals. Some were almost unanimously popular. But a small number (for example, the questions relating to the possible unification of listed building consent and planning permission, and those relating to outline planning permission) attracted a large volume of responses, mainly from those with a specialist interest in the topic concerned, expressing a wide range

of views.

The final report – **Planning Law in Wales** – was published in 2018, and was accompanied by a **summary**. The Commission hoped it would result in a Bill during the Fifth Senedd term.

The report is presented in two parts:

- Part One deals with general principles; and
- Part Two summarises the responses to the Consultation Paper relating to each of the major areas under consideration, and sets out recommendations for reform.

The Welsh Government responded to the report in two stages: an **interim response in 2019**, and a **detailed response in 2020**. The staged response is in line with a 2015 **protocol** between the Welsh Ministers and the Law Commission.

Welsh Government interim response published in 2019

The **interim response** focuses on part 1 of the Planning Law in Wales report, considering;

- the need to simplify and consolidate planning law;
- the case for a planning code; and
- the scope of the initial consolidation exercise.

The then Minister for Housing and Local Government, Julie James AM, stated in the response the Welsh Government had begun work on a planning consolidation bill.

Welsh Government detailed response published in 2020

The **detailed response** focuses on part 2 of the Planning Law in Wales report, which sets out 192 recommendations aimed at simplifying and consolidating planning legislation.

The then Minister considered most of the recommendations to be taken forward as “minor technical reform to aid consolidation and simplification of the law”. She confirmed a planning consolidation bill would be the main delivery mechanism.

The Welsh Government accepted the majority of the report’s recommendations:

- Accept – 61%;
- Accept in principle – 25%;

- Reject – 8%; and
- Further evidence required – 6%.

Where the Welsh Government accepted in principle, it says it may seek to vary aspects of the recommendation to reflect its policy position. This could include pursuing an alternative approach or the need for further detailed consideration during the drafting of relevant statutory provisions.

Where further evidence is required the Welsh Government says such evidence will inform a decision on taking forward the proposed changes, as part of future work.

The Welsh Government's full response to each of the 192 recommendations is set out in **[this table](#)**.

Draft Planning (Wales) Bill published in June 2025

The **[Welsh Government published](#)** a 'working draft' of the Planning (Wales) Bill and accompanying Explanatory Notes in June 2025 with the aim of familiarising interested parties before formal introduction in September.

The draft version of the Bill has been removed following the Bill's formal introduction into the Senedd.

3. The Welsh planning system as set out in existing legislation

Planning regulates land use in the public interest

Town and country planning refers to the discipline of regulating land use and development to ensure sustainable economic growth, protect the environment, and create communities.

The Welsh Government's main national planning policy document, **Planning Policy Wales (PPW)**, describes the Welsh planning system as follows:

The planning system manages the development and use of land in the public interest, prioritising long term collective benefit, contributing to improving the economic, social, environmental and cultural well-being of Wales. It must reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, ensuring the sustainable management of natural resources and protecting, promoting, conserving and enhancing the built and historic environment.

PPW, together with other publications - Technical Advice Notes (TANs), Minerals Technical Advice Notes (MTANs) and policy clarification letters - comprise **Welsh national planning policy**.

Planning legislation is complex

The legislative basis of the Welsh planning system is complicated and has evolved over time. Planning legislation has been consolidated in the past, on an England and Wales basis.

The Law Commission's 2018 **Planning Law in Wales** report sets out the history succinctly:

1.9 The first significant piece of planning legislation in the UK was the Town and Country Planning Act ("TCPA") 1947, which applied uniformly in England and Wales. This was followed by the TCPA 1962 and the TCPA 1971 (both consolidating measures); each was amended many times. The most recent consolidation measures were the TCPA 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990, which incorporated some minor changes recommended by the Law Commission.

1.10 The 1990 Acts have themselves been amended, or supplemented, on a number of occasions – notably by the Planning and Compensation Act 1991, the Environment Act 1995, and the Planning and Compulsory Purchase Act (“PCPA”) 2004. Since 2004, planning Acts passed by the Westminster Parliament have generally, but not entirely, applied only in England.

1.11 Distinctive national planning policy started appearing in Wales from around 1996, and separate secondary legislation from the late 1990s. Under the Government of Wales Act 2006, amended by the Wales Act 2017, the Welsh Assembly now has legislative competence in relation to all planning matters. The first results of that were the Planning (Wales) Act (“P(W)A”) 2015 and the Historic Environment (Wales) Act 2016.

The primary legislation is supported by a large amount of interdependent subordinate legislation, which has been amended many times separately and differently for Wales and England. The most notable include:

- **The Town and Country Planning (Use Classes) Order 1987** (as amended); and
- **The Town and Country Planning (General Permitted Development) Order 1995** (as amended).

The planning system is also heavily influenced by the **Well-being of Future Generations (Wales) Act 2015**. This Act sets a framework within which specified Welsh public authorities (including those responsible for planning functions) must seek to ensure the needs of the present are met without compromising the ability of future generations to meet their own needs - the sustainable development principle.

The **Planning (Wales) Act 2015** introduced a statutory purpose for the planning system. This means any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as defined in the *Well-being of Future Generations (Wales) Act 2015*.

The *Planning (Wales) Act 2015* contains a number of provisions, which differentiate Wales from the planning system in England, including:

- requiring the Welsh Ministers to prepare a national land use plan - the National Development Framework (NDF);
- providing for regional Strategic Development Plans (SDPs) which address larger-than-local cross-boundary issues, such as housing supply and areas for economic growth and regeneration;
- requiring developers in certain cases to undertake pre-application consultation, and to require Local Planning Authorities (LPAs) to provide pre-application

services; and

- require planning applications for nationally significant infrastructure projects to be made to the Welsh Ministers.

The ***Infrastructure (Wales) Act 2024*** established a new process for developing significant infrastructure projects in Wales by establishing a single infrastructure consenting process for specified types of major infrastructure projects. The new process is due to ***commence on 15 December 2025***. The provisions of this Act do not fall within the scope of the current consolidation exercise.

Wales has a plan-led planning system

The Welsh planning system is ‘plan-led’. The Welsh Government ***believes this approach*** “is the most effective way to secure sustainable development through the planning system”. ***It says*** “up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making.”

The ***Planning and Compulsory Purchase Act 2004*** requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Welsh Government’s Development Management Manual provides more information on ***material considerations***.

The statutory development plan consists of a hierarchy of three tiers of plans:

- **National:** The all-Wales NDF, produced by the Welsh Government. The current (and first) iteration of the NDF is called ***Future Wales: the national plan 2040***.
- **Regional: Four regional SDPs.** SDPs have yet to come forward and are to be prepared by each of the four Corporate Joint Committees.
- **Local: 25 Local Development Plans (LDPs).** LDPs are prepared by LPAs, which are the 22 Local Authorities and the three National Park Authorities. LDPs address local issues and objectives through policies, and proposals for new development.

The Welsh Government intends for Local Development Plan ‘Lites’ (LDPLs) to replace LDPs once SDPs are in place. LDPLs will be shorter documents that implement regional SDP strategies at a local level.

Each plan must be consistent, or in ‘general conformity’, with the layer above.

Minimum requirements and processes for developing the plans are set out in

subordinate legislation.

‘Development’ requires planning permission

The **Town and Country Planning Act 1990** states that: “planning permission is required for the carrying out of any development of land”.

The Act defines ‘development’ as: “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”.

‘Development management’ is centred on the premise that planning permission is required to carry out development. It is the process of shaping, considering, determining and delivering development proposals. Development management is for the most part led by the LPA.

Some types of development and operations don’t need permission. Some development is ‘permitted’ and some changes of use of land and buildings are allowed without permission – as set out in subordinate legislation. Some activities are excluded altogether from the definition of development.

The vast majority of applications for planning permission are determined by the LPA, but the Welsh Ministers can be the decision-maker in certain circumstances:

- The Welsh Ministers are the decision-maker for certain large infrastructure proposals. This is currently via the **Developments of National Significance (DNS) process**, but this will become the Significant Infrastructure Project (SIP) process on 15 December, as noted above.
- **LPAs must refer certain proposals** which they do not propose to refuse to the Welsh Ministers for determination.
- The Welsh Ministers may decide to **‘call in’ any planning application** for their own determination, in certain instances.

LPAs have discretionary enforcement powers to address breaches of planning control.

Planning and Environment Decisions Wales (PEDW), formerly Planning Inspectorate Wales, manages planning casework on behalf of the Welsh Ministers, decides planning appeals and examines draft LDPs for soundness.

Subordinate legislation sets out requirements and procedures for development management processes.