

The Planning Series: **1 - National Planning Policy** Research Briefing

February 2019



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National Assembly for Wales
Senedd Research

The Planning Series:

1 - National Planning Policy

Research Briefing

February 2019

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Paper Overview:

This briefing provides a quick guide to national planning policy in Wales. It describes the legislative framework for the planning system and introduces the key national planning documents, including Planning Policy Wales and the National Development Framework.



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What is land use planning?

The land use planning system in Wales regulates the use and development of all land and buildings. It operates at two levels:

- Nationally: through the Welsh Government and Planning Inspectorate Wales; and
- Locally: through local planning authorities. The local planning authorities are the 22 Unitary Authorities and the three National Park Authorities.

What is the law that applies to planning in Wales?

The main laws relating to land use in Wales are set out in the:

- *Town and Country Planning Act 1990*;
- *Planning and Compulsory Purchase Act 2004*;
- *Planning Act 2008*; and
- *Planning (Wales) Act 2015*.

The majority of primary legislation relating to land use planning in Wales has been made on an England and Wales basis.

Most executive functions and secondary legislative powers contained in the England and Wales Acts were transferred to the National Assembly for Wales (as it was then constituted) by the *National Assembly for Wales (Transfer of Functions) Order 1999*. These powers were then transferred to Welsh Ministers as a result of the *Government of Wales Act 2006*.

Following the 'yes' vote in the 2011 referendum, and the commencement of part 4 of the *Government of Wales Act 2006*, the Assembly gained competence to create primary legislation in the general area of land use planning.

The *Planning (Wales) Act 2015* is the first significant piece of primary planning legislation to be made on a Wales only basis.

The *Wales Act 2017*, which further amended the *Government of Wales Act 2006*, devolved some further planning powers to Wales, including consenting for certain electricity generating stations (see our separate [briefing on consenting electricity generation infrastructure](#)).

The Welsh Government and the Law Commission are [developing a new Planning Code](#) aimed at consolidating and simplifying the planning law that applies in Wales.

What is national planning policy?

The Welsh Government's land use planning policy framework consists of the following:

Planning Policy Wales

Planning Policy Wales (PPW) was originally published in 2002 and sets out the planning policies of the Welsh Government, under which local planning authorities prepare their Local Development Plans (LDPs). It is the principal and authoritative source of national planning policy.

The latest version of PPW, **Planning Policy Wales (Edition 10)**, was published in December 2018. The structure of the document differs significantly from previous versions, with PPW being revised to take account of the *Well-being of Future Generations (Wales) Act 2015*. As with previous editions, it is issued as an online document only.

The document:

Provides an overview of the planning system and sets out the context for planning in Wales;

Outlines the main policy objectives and principles;

Emphasises 'sustainable places' as the goal of the planning system, and promotes the 'placemaking' approach as the means of achieving this;

Is structured around four themes - Strategic and Spatial Choices; Active and Social Places; Productive and Enterprising Places; and Distinctive and Natural Places; and

Outlines policies on all the key land use topics including, housing, transport, retail and commercial development, energy, minerals, infrastructure and services, economic development, electronic communications, tourism, biodiversity, minimising and managing environmental risks, coastal issues, the historic environment, and recreation.

PPW is supplemented by:

- Technical Advice Notes;
- Circulars; and
- Policy Clarification Letters.

Technical Advice Notes / Minerals Technical Advice Notes

Technical Advice Notes (TANs) contain detailed guidance in specific areas that supplement the policies set out in PPW. There is an equivalent series for minerals known as **Minerals Technical Advice Notes** (MTANs). The topic based TANs and MTANs are listed in the Appendix of this briefing.

Circulars

Circulars are procedural guidance that interpret and explain a particular piece of legislation. Details of the circulars and circular letters that were in force as at December 2015 can be found here: [Index of Planning Policy Guidance for Wales](#).

Policy Clarifications Letters

Policy Clarification Letters provide urgent clarification of policy or procedure and are issued by the Minister or the Welsh Government's Planning Division.

What is the National Development Framework?

The *Planning (Wales) Act 2015* (the 2015 Act) requires the Welsh Government to develop a National Development Framework (NDF).

The Welsh Government is currently **developing the first NDF** and the final version of the NDF is due to be published in September 2020.

The NDF will set out a 20 year land use framework and be reviewed at least every five years. Unlike its predecessor, the Wales Spatial Plan, the NDF will have development plan status, meaning it can be a material consideration in planning decisions and that all Strategic Development Plans (SDPs) and LDPs must be in conformity with it (see our separate briefing on local planning policy for more on SDPs and LDPs).

The purpose of the NDF is to:

- Set out where nationally important growth and infrastructure is needed and how the planning system can deliver it;
- Provide direction for SDPs and LDPs;
- Support the determination of applications under the Developments of National Significance (DNS) regime (see our separate [briefing on DNS](#));
- Sit alongside PPW, which will continue to provide the context for land use planning; and
- Support national economic, transport, environmental, housing, energy and cultural strategies and ensure they can be delivered through the planning system.

The 2015 Act requires the draft NDF to be considered by the Assembly before the final NDF is published. The Assembly will have 60 days (excluding recess) to consider the draft NDF. The Welsh Government must take account of any resolution or recommendations made by the Assembly, or any of its committees, in deciding whether or not the draft NDF should be amended.

Key sources

Welsh Government

The **planning section** of the Welsh Government's website provides information including:

- **[Planning policy and guidance homepage](#);**
- **[Planning Policy Wales \(Edition 10, December 2018\)](#);**
- **[Technical Advice Notes \(TANs\)](#) and [Minerals Technical Advice Notes \(MTANs\)](#); and**
- **[Index of Planning Policy Guidance for Wales](#).**

Planning Aid Wales

Planning Aid Wales is a charitable organisation helping eligible individuals and communities to participate more effectively in the planning system. It provides advisory services, including a helpline.

Planning Portal

The **Planning Portal** is the UK Government's planning and building regulations resource. It includes information on the planning system in Wales, although some of the content only applies to England.

Senedd Research

Other planning briefings produced by Senedd Research are available on the **[Senedd Research website](#)**, and on our blog: **[InBrief/planning](#)**.

Appendix: List of TANs and MTANs

Technical Advice Notes (TANs)

- **[TAN 1: Joint Housing Land Availability Studies \(2015\)](#)**
- **[TAN 2: Planning and Affordable Housing \(2006\)](#)**
- **[TAN 3: Simplified Planning Zones \(1996\)](#)**
- **[TAN 4: Retail and Commercial Development \(2016\)](#)**
- **[TAN 5: Nature Conservation and Planning \(2009\)](#)**
- **[TAN 6: Planning for Sustainable Rural Communities \(2010\)](#)**
- **[TAN 7: Outdoor Advertisement Control \(1996\)](#)**
- **[TAN 8: Renewable Energy \(2005\)](#)**
- **[TAN 10: Tree Preservation Orders \(1997\)](#)**
- **[TAN 11: Noise \(1997\)](#)**
- **[TAN 12: Design \(2016\)](#)**
- **[TAN 13: Tourism \(1997\)](#)**
- **[TAN 14: Coastal Planning \(1998\)](#)**
- **[TAN 15: Development and Flood Risk \(2004\)](#)**
- **[TAN 16: Sport, Recreation and Open Space \(2009\)](#)**
- **[TAN 18: Transport \(2007\)](#)**
- **[TAN 19: Telecommunications \(2002\)](#)**
- **[TAN 20: Planning and the Welsh Language \(2017\)](#)**
- **[TAN 21: Waste \(2014\)](#)**
- **[TAN 23: Economic Development \(2014\)](#)**
- **[TAN 24: The Historic Environment \(2017\)](#)**

Minerals Technical Advice Notes (MTANs)

- **[MTAN 1: Aggregates \(2004\)](#)**
- **[MTAN 2: Coal \(2009\)](#)**

