



Planning (Wales) Act

Introduction

The Planning system in Wales is undergoing changes that will further differentiate it from the English system following the passing of the Planning (Wales) Act in July. However, the changes are procedural with definitions such as development remaining the same under both systems.

Many of the changes will need secondary legislation or be introduced after public consultation and will therefore not come into force for some time.

The changes considered are:-

- the development plan system
- developments of National Significance
- improved resilience
- development management procedures

Development Plan System

A National Development Framework (NDF) is to be adopted by the Welsh Ministers next spring following public consultation and will replace the Wales Spatial Plan. The NDF will set out national priorities, focus on nationally significant development and land use and inform strategic and local development plans.

Welsh Ministers will direct relevant LPAs to designate Strategic Development Areas (SDAs) or do so themselves, with each SDA to be at least the whole of one LPA's area and all or some of another's area.

Strategic Planning Panels (SPPs) will be established by the Ministers to prepare Strategic Development Plans (SDPs) for each area.

SDPs will address difficulties faced by local authorities when preparing their Local Development Plans in meeting housing needs and will identify strategic employment sites and requirements for transport infrastructure.

Preparation of Local Development Plans will be improved and will expire after a set period of time unless reviewed.

LDPs will need to be consistent with any SDP for their area and the NDF.

Developments of National Significance

The definition for Developments of National Significance (DNS) are currently under consideration by the Welsh Ministers and will be set out in Regulations or the NDF.

The upper threshold for a DNS will be below those requiring consent under the UK wide Nationally Significant Infrastructure Projects regime.

Applications for a DNS will have to be made to the Welsh Ministers with LPAs input restricted to local impact reports.

Improved Resilience

Improved resilience to the planning system will be created by the Act allowing the Welsh Ministers to direct LPAs to work together and for authorities to be merged.



Development Management Procedures

It will be compulsory for Developers to carry out pre-application consultation for a DNS and other major schemes.

There will be an optional application regime for non-DNS major developments to be made to the Welsh Ministers if an applicant so chooses where an LPA has been “designated” by the Ministers because of its previous poor performance.

The Welsh language becomes a material consideration in planning decisions.

Revisions to the enforcement notice regime to secure prompt meaningful enforcement action by requiring for example the submission of a retrospective planning application if that will remedy a particular breach of development control.

To increase the transparency and efficiency of the planning appeal system by prohibiting amendments to planning applications once an appeal has been made.

The Welsh Ministers will be able to prescribe the size and make-up of LPA’s planning committees.

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