



Francis Taylor Building

Planning Law Update, Wales

7 December 2020



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The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 Strategic Development Plans and Corporate Joint Committees – current consultation documents

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7 December 2020

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7.12.20

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Introduction

- The Welsh Government is conducting a public consultation on the policy approach to establish regulations on the procedure for preparing Strategic Development Plans (SDPs) and associated matters.
- The Regulations will be called the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 and will establish the procedure for SDPs to be prepared across Wales by Corporate Joint Committees (CJCs).
- The consultation began on 12 October 2020 and will close on 4 January 2021
- This presentation will explain the main features of what is proposed
- Nb consultation on proposed Regulations for establishing Corporate Joint Committees
- <https://gov.wales/consultations>

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Existing statutory framework

- Part 6 PCPA 2004 and the TCP (LDP) (Wales) Regulations 2005 as amended provide for procedure for preparation/adoption of LDPs by LPAs
- The Planning (Wales) Act 2015 amended Part 6 PCPA introducing of Strategic Development Plans prepared by Strategic Planning Panels (voluntarily by 2 or more LPAs or by Welsh Ministerial direction)
- Eg S601 PCPA 2004 provides that:
 - SPPs must prepare a SDP
 - SDPs will be part of the development plan
 - SDPs must generally conform with the NDF
 - SPPs must carry out Sustainability Appraisal

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What's happening now?

- The Local Government and Elections (Wales) Bill provides changes to Part 6 PCPA so that Corporate Joint Committees will prepare SDPs not LPAs
- LGEB confers power to WMs to establish CJsCs by regulations
- Consultation on draft regulations for establishing CJsCs began 12 October, ends 4 January
- The SDP Regulations are necessary for providing procedural provisions to supplement Part 6 PCPA so that SDPs are prepared by CJsCs and given full effect in accordance with Welsh Government policy

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Corporate Joint Committees

- The LGEB introduced provisions to create via regulations CJsCs (by instigation of two or more principal councils or of WMs)
- Forthcoming regulations will detail the specific functions of CJsCs and how they will be governed
- The MHLG has said that CJsCs are being established in order to "bring more coherence to, and strip out some of the complexity of, regional governance arrangements..."
- There will be separate Establishment Regulations for the four proposed CJsCs with generally applicable Regulations of General Principle
- CJsCs will comprise of a number of principal councils and the principal council areas will form the area of the CJC. They will be run by a committee of principal council members.
- The consultation document explains that the Establishment Regulations will set out that the four CJC will have responsibility for the exercise the following functions:
 - preparing, monitoring, reviewing and revising SDPs
 - developing a Regional Transport Plan for implementing the Wales Transport Strategy
 - doing anything which is considered likely to promote or improve the economic well-being of the area

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The context

- Chapter 10 of the Development Plans Manual (March 2020):
 - Indicates that the SDP process will largely mirror the LDP process
 - SDPs, focussing only on wider than local issues, must:
 - include a vision
 - include a strategy
 - include a settlement hierarchy
 - identify overall housing and employment requirements and for each LPA
 - identify spatial areas to accommodate growth above a set threshold
 - include a delivery trajectory aligned with infrastructure requirements
 - include a coordinated approach to environmental designations including Green Belt
 - include a coordinated approach to energy, minerals, waste
- WG will produce guidance relating to SDP preparation (with consultation)
- LDPs will remain necessary part of the development framework but under SDPs:
 - will need to be shorter and more focussed on local issues
 - will be adopted in around two years
 - will be called Local Development Plan "Lites"
 - new regulations will be made, with consultation
- There will also be a revised Development Plan Community Guide



The proposals

- The aim is that the Regulations should "broadly mirror" the key stages and plan preparation requirements of the PCPA/LDP Regulations, because the process is well understood
- The main exceptions:
 - No short form procedure (as in Part 4A of the LDP Regs) because of the strategic nature and complexity of an SDP
 - No joint plan provisions (as in Part 6 of the LDP Regs), for similar reasons
- "key difference between an LD and an SDP is one of scale and this principle will be reflected in the SDP Regulations"



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Stage 1 The Community Involvement Scheme

- CJs must engage with its communities on the content of a *Community Involvement Scheme* including a plan preparation timetable, collectively called the *Development Agreement*
- CJs cannot begin formal SDP preparation until DA is agreed by CJC resolution and approved by WMs (4 weeks response time)
- DA will set out timescales for each stage in plan process, and how representations at each stage will be published and considered
- SDP to be prepared and adopted within 4 years, similar to LDP process
- A two stage process will be retained – *Preferred Strategy* and *Deposit Plan* before submission

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Stage 2 Pre-Deposit Engagement

- Regs will specify that a “*call for strategic locations and sites*” must be undertaken before a CJC can formally consult on its *Preferred Strategy*, although they will not preclude a further “call” before Deposit Stage. All strategic locations and sites received will be published in a “*Candidate Strategic Locations and Sites Register*”
- Regs will specify that CJC must engage with specific and general consultees on the range of strategies and options before finalising and consulting on a Preferred Strategy. Some flexibility here as to detail consulted on.

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Stage 3 The Preferred Strategy

- Consultation a minimum of 6 weeks
- Regs will specify that it must contain a preferred spatial strategy, options, proposals and implications, with earlier alternatives explicitly referred to.
- Regs process will be based on principles including:
 - Accessible documents
 - Minimum content
 - Consideration of representations
 - Publication of a “*Consultation Report*” with summaries of main issues and explanation of the extent to which they have been addressed

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Stage 4 The Deposit Plan

- Consultation a minimum of 6 weeks
- Regs will specify that it must contain the final strategy for all land uses, including strategic site allocations, and policies and reasoned justifications, as well as a proposals map. It will be accompanied by supporting evidence base and SA/SEA reports
- Regs process will be based on principles including:
 - Accessible documents
 - Minimum content
 - Consideration of representations
 - Publication of *Updated Consultation Report* with summaries of main issues and explanation of how CJC considers that they should or should not be addressed – this will be considered during examination process

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Stage 5 Submission of Deposit Plan

- The Inspector will consider duly made representations and determine whether or not the SDP is sound (Table 37 of DPM as updated for SDPs)
- The Inspector will consider the examination documents including:
 - the Delivery Agreement
 - the Updated Consultation Report
 - the updated SA and HRA reports
 - the Strategic Locations and Sites Register
- Following adoption, the CJC will prepare an *Adoption Statement*

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Stage 6 Monitoring, Review and Revision

- CJC must publish and send an *Annual Monitoring Report* to WMs by 31 October each year
- AMRs must:
 - Set out what policies have not been not implemented, including remedial actions to address any deficiencies
 - Conclude as to whether a revision of the SDP is required
- AMRs will assess the extent to which the plan's strategy and key policies, sites and infrastructure requirements are being delivered
- The Regs will specify that:
 - CJC must review its SDP no longer than 4 years from adoption, but it might consider it necessary earlier eg NDF changes
 - CJC must submit a *Review Report* to WMs within 6 months of commencing a review

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Other provisions

- The Regs will contain provisions relating to withdrawal of SDPs before submission, including reference to WMs within 7 days of decision with planning reasons for withdrawal
- The Regs will set out procedures, publication and notification arrangements for the application of WMs' power of intervention, including reference to publication of reasons for intervention

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Concluding comments

- Genuine intention to create a more strategic approach to planning, not itself a new idea
- Process is still at an early stage; CJC and SDP regulations might come forward in 2021, but SDPs will not be in place till long after
- Policy intent for Regs appears sensible in many respects but:
 - bearing in mind the nature and complexity of SDPs, are the timescales referred to adequate?
 - The devil in the detail?
 - Will CJs help or hinder the process?

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Thank You

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FTB PLANNING LAW UPDATE WALES

Future Wales – the National Plan 2040 a.k.a The National Development Framework



Morag Ellis QC



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NDF – What is it? The Legal Context

s.60 Planning and Compulsory Purchase Act 2004 amended by
s.3 Planning (Wales) Act 2015 wef 6th September 2015:

“There must be a plan, prepared and published by the Welsh Ministers, to be known as the National Development Framework for Wales”



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Legislative Requirements

Sections 60A and 60B – Statement of Public Participation and Procedure for preparation and publication, including laying before NAW and duty to have regard to any resolution passed by NAW, now Senedd Cymru

Section 60C - Review and revision:

- Duty to keep NDF under review (Future Wales: 5 yearly)
- WMs may revise at any time and must publish as revised, subject to Sections 60A and B procedures

Section 9 Planning (Wales) Act 2015 amends s.34 PACPA 2004 so that NDF will be part of the development plan

Section 62 - Duty to have regard to the NDF when preparing SDP/LDP



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Where are we up to?

- September 2020 - Minister for Housing and Local Government laid the draft NDF in Senedd for 60 day scrutiny
- included “*Schedule of Changes*” following 2019 consultation
 - “*Working Version*” shows both

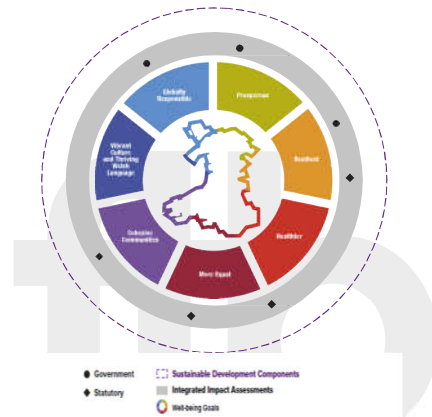


THEMES

“Managing change and planning development is one of the most important responsibilities of government. This document is the Welsh Government’s twenty year plan for shaping the future growth and development of our country.”

Future generations principles embedded:

Integrated Impact Assessments

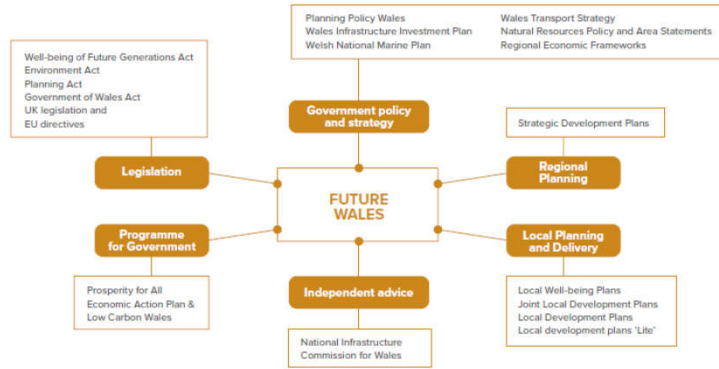


THEMES cont'd

- SEA/SA undertaken
- HRA mitigation *“a strong guide at the lower tier plan or project stage”* and they must be able to conclude no adverse effects (i.e. NDF apparently precludes IROPI justifications)
- - NDF to inform Wales Infrastructure Investment Plan
- - Placemaking as part of spatial strategy



Model of Future Wales Influence



MORE TIERS!

Development plan tiers:	National (Future Wales)	}	s.38(6) PACPA 2004
	Strategic development plans		
	Local development plans		

NDF *“does not seek to identify the exact location for new development of the scale of growth individual settlements*

PPW’s role re-affirmed, but on tiered basis

Is this brave enough to be effective?



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OVERVIEW

- Chapter 2 - Key challenges and opportunities
- Chapter 3 - Future Wales Outcomes
- Chapter 4 - Spatial Strategy
- Chapter 5 - Ambitions and policies for the 4 regions

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CHAPTER 4 – Future Wales’ Spatial Strategy

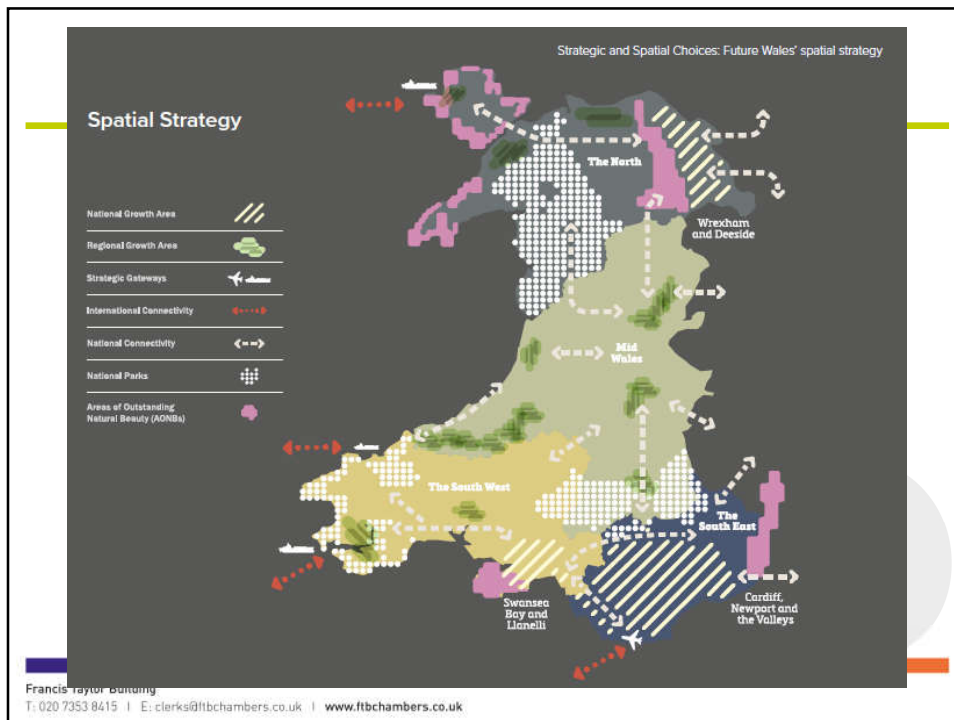
Urban Focus/

- Public Led - Primarily National and Regional Growth Areas
- Existing towns and cities not new towns or “sprawling greenfield development”

Small is Beautiful

- “sustainable, exemplar, future-resilient settlements”
- “sustainable development should foster a growing population to ensure a healthy natural environment and economic and social stability”
- mixed use, varied housing types and tenures, walkable, denser, permeable, plot based green
- public sector led

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More Affordable Housing

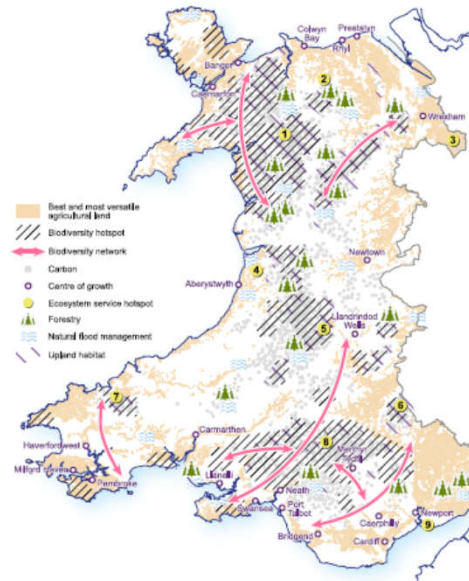
- WG's Estimates of additional housing need (2019 based) for 20 years to inform national, regional and local plans
- NOT housing requirements – policy off figures
- 110,000 2019-2039; 2/3 in SE, 1/5 in SW, most of the rest in NW, c.50/50 market/affordable

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National Natural Resources

- 1 Snowdonia holds some of the most important upland habitats in the UK. These habitats store and sequester carbon, hold water for flood alleviation, and help provide clean, fresh water. They provide a pollinator resource and are a key area for recreation.
- 2 Upland blanket bog and heathlands around Myrddd Hiraeithog and Llandegla mountain together with ancient woodlands support multiple ecosystem services. These include carbon sequestration and storage to help mitigate climate change and water quality enhancement.
- 3 The wooded banks and areas of ancient woodland around the tributaries of the River Ouse play a significant role in stabilising the river and helping prevent soil erosion into the streams. Food production is also a key service here. Fenn's and Whixall moss is here.
- 4 Ceredigion's countryside provides multiple services. Some of the most significant sites for ecosystem service generation are Cors Caron and Cors Fochno raised bogs, which store carbon and water and provide biodiversity.
- 5 The Cambrian mountains are a key area for fresh water provision into England, as well as a place of water storage. They are also significant for the sequestration and storage of carbon, both in the soil and in woodlands.
- 6 The wooded valleys and the upland heathlands of the Black Mountains support multiple ecosystem services, including carbon sequestration and storage to help mitigate climate change, water quality enhancements and the habitats help prevent flooding.
- 7 The Preseli hills and the woodlands of northern Pembrokeshire provide multiple ecosystem services from flood alleviation, carbon storage and sequestration through to recreation and food provision.
- 8 The Brecon Beacons contains a range of dynamic natural ecosystems which provide multiple benefits, including water regulation to help flood prevention and water purification.
- 9 The Gwent Levels are an ancient landscape with a special cultural significance. This area is also important for biodiversity, recreation, flood alleviation, carbon storage and food production.



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FLOODING and BIODIVERSITY

LPA's and LLFA's to take strategic approach to selecting development areas

"Not appropriate to develop flood risk management infrastructure to enable new development on previously unused land"

Focus on nature based schemes/redevelopment of pdl,

Emphasis on biodiversity net benefit

Strategic approach to ecological networks and safeguarding



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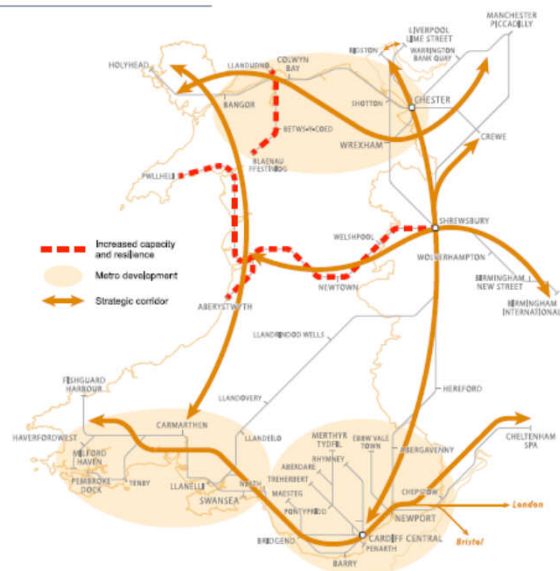
TRANSPORT

- International travel developments to demonstrate compliance with statutory climate change and carbon budgets
- Investment in Rail Network, Bus Network, Strategic Road Network, E-charging points, National Cycle Network
- PPW Sustainable Transport Hierarchy
- National default speed limit of 20 mph on restricted roads
- Tackling congestion: Pinch Point programme for the North, SE Wales Transport Commission still working on M4

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Strategic Corridors and Metro Developments



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DIGITAL

LPAs to engage with providers to inform SDP/LDP policy

New developments to include Gigabit

Mobile Action Zones for mobile “not-spots”



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NATIONAL FOREST

- Safeguarded areas supported
- Regeneration, economic, flood risk and climate change roles



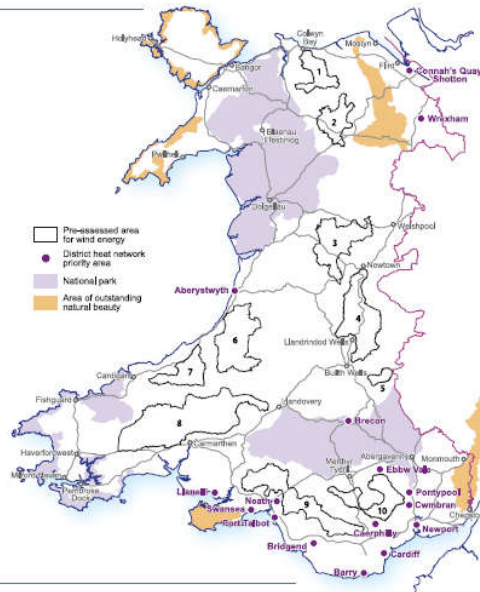
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Wind Energy and Heat Networks

The design of new development should maximise the opportunities to accommodate a heat network. Particular consideration should be given to the form, density, mix of uses and phasing of development.



ENERGY POLICY

Presumption in favour of large scale wind/repowering in Pre-Assessed Areas but not allowed in NPs and AONBs

Transition to multi-vector grid network

- Policy 18
- presumption in favour of renewable/low carbon energy NDS subject to criteria to limit environmental, defence and transport impacts etc.,
 - DNS = on shore wind of 10 + megawatts
= other generation site with generating power of 10 + 350 megawatts



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Policy 19

Policy 19 - Strategic Policies for Regional Planning

Strategic Development Plans should embed placemaking as an overarching principle and should establish for the region (and where required constituent Local Development Plans):

- a spatial strategy;
- a settlement hierarchy;
- the housing provision and requirement;
- the gypsy and traveller need;
- the employment provision;
- the spatial areas for strategic housing, employment growth and renewable energy;
- the identification of green belts, green corridors and nationally important landscapes where required;
- the location of key services, transport and connectivity infrastructure;
- a framework for the sustainable management of natural resources and cultural assets;
- ecological networks and opportunities for protecting or enhancing the connectivity of these networks and the provision of green infrastructure; and
- a co-ordinated framework for minerals extraction and the circular economy, including waste treatment and disposal.

The Welsh Government requires the adoption of Strategic Development Plans in the North, Mid Wales, South West and South East regions.

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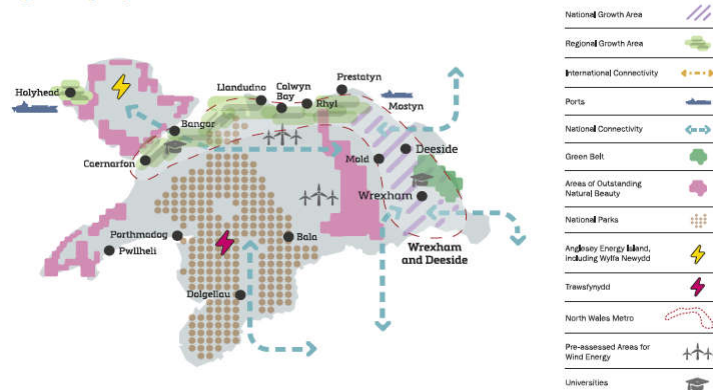
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THE REGIONS AT A GLANCE – North:

Regional strategic diagram



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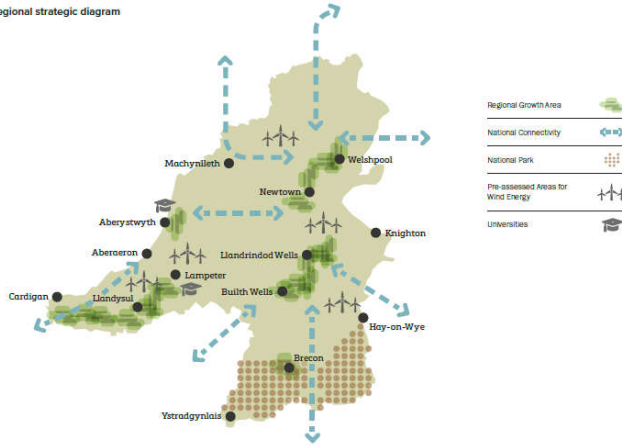
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Mid Wales:

Regional strategic diagram



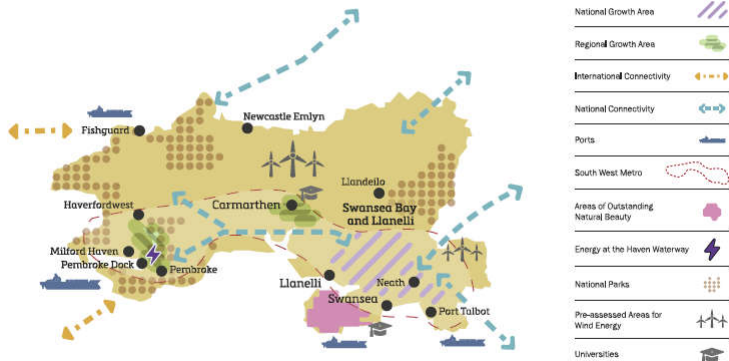
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South West:

Regional strategic diagram



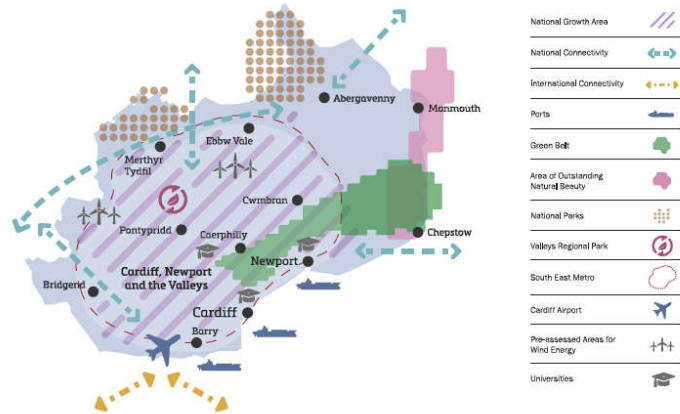
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South East:

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Compulsory Purchase in Wales & the new Circular

Annabel Graham Paul

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Legislative powers position

- Reserved powers model – adopted following the recommendations of the Silk Commission 2011-14 in the Wales Act 2017
- Effect on compulsory purchase:
 - Removed previous “silent subjects” i.e. Senedd could legislate if compulsory purchase powers “fairly and realistically” related to another subject e.g. highways
 - “Compulsory purchase of land” originally proposed to be reserved
 - Following changes in the House of Lords, land compensation is reserved to Westminster and CPO powers and procedure within competence of the Senedd

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Economy, Infrastructure and Skills Committee Recommendations (June 2019)

- Update to Circular 14(2)/2004 to provide clear steer to local authorities on the benefits of the CPO process and actively challenge negative perceptions
- Pre-checking of CPOs by Welsh Government
- Encouraging Alternative Dispute Resolution
- Developing shared resource expertise



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Welsh Government Response (July 2019)

- Update the Circular and CPO Manual
- Options for technical review
- Remit of Public Sector Land Division and potential and potential to use regional joint working structures under Local Government and Elections (Wales) Bill currently before the Senedd



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New Circular 003/2019

- Published October 2020
- Style is discursive and informative, similar to a practitioner text
- Designed to assist local authorities to have greater confidence in using CPO powers
- Examples of best practice e.g. erection and maintenance of site notice, documentation to be submitted with a CPO
- Template model claim form for compensation (para 227)
- Guidance on compulsory purchase enabling powers and procedure for making a CPO (Part 4)
- Process chart with steps and timescales for the processing and determination of a non-ministerial CPO (Part 5)
- Section on Compulsory Purchase and the Wellbeing Goals (paras 16 – 17)

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Other Developments

- National Development Framework - Policy 3: Supporting Urban Growth and Regeneration – places at a national level the concept of public sector leadership
- Legislation (Wales) Act 2019 (Part 1) – statutory duty on Counsel General to prepare a programme of consolidation and codification of the law applicable in Wales (CP codification envisaged in due course)
- Lord Thomas Report ‘Justice in Wales for the People of Wales’ (October 2019) – potential for devolution of justice, Welsh Tribunals should be the default position for administrative law remedies under future Welsh legislation
- CPO Manual to be published “later this year”

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Current consultation on 'Reforms to the compulsory purchase process' (deadline 19 January 2021)

- Proposals to amend primary legislation to modernise the CP statutory enabling powers and procedures and secondary legislation to streamline the CP inquiry and written reps procedures
- Primary legislation: changes to site notice / publicity requirements, service of notice and documents, greater flexibility in considering remaining objectors other than by public inquiry, allowing acquiring authorities to confirm their own CPOs in some circumstances
- Secondary legislation: changes to public inquiry procedure including greater use of electronic communications, telephone / video pre-inquiry meetings, new timescales for Statements of Cases, site visits, changes to notification of inquiries and publicity and depositing of CPO documents.

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Any questions?

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Law Commission
Reforming the law

Comisiwn y Gyfraith
Diwygio'r gyfraith

PLANNING LAW IN WALES: UPDATE CYFRAITH CYNLLUNIO YNG NGHYMRU: DIWEDDARU

Dr Charles Mynors

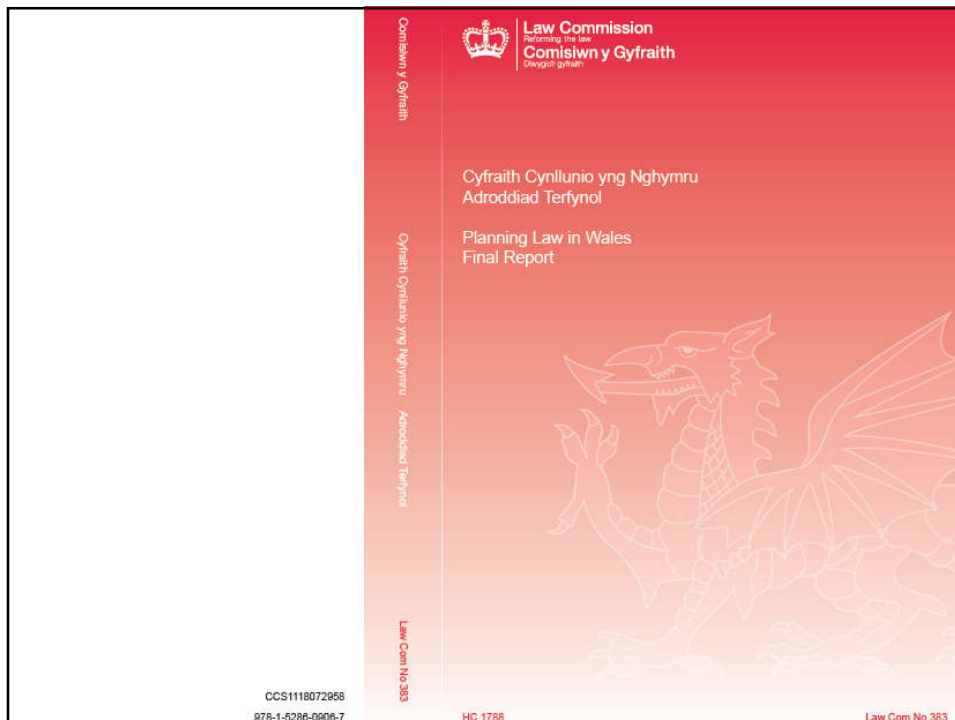
Barrister / Bargyfreithiwr FRTPI FRICS IHBC FICFor (Hon)

Planning Law in Wales: the project

Cyfraith Cynllunio yng Nghymru: y prosiect

- ❖ Project is first codification exercise since Law Commission report on *The Form and Accessibility of the Law in Wales*
- ❖ Proposed by Welsh Government
- ❖ Scoping Paper 2016
- ❖ Consultation Paper 2017
- ❖ Final Report laid before Parliament and Welsh Assembly, December 2018

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Detailed recommendations Argymheillion manwl

- ❖ Part 1 dealt with General Principles.
- ❖ Part 2 contained 192 recommendations:
 - majority were minor technical reforms, with little or no change in policy;
 - some proposed policy reforms, to simplify planning law and procedure – ranging from minor to substantial changes in policy effect; and
 - some proposed changes to subordinate legislation and guidance.

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The WG Interim Response Yr ymateb interim LC

- ❖ Welsh Government issued in May 2019 its interim response to Final Report.
- ❖ Focused on Part 1 (general principles):
 1. the need to simplify and consolidate planning law;
 2. the case for a planning code; and
 3. the scope of the initial consolidation exercise.

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The case for a planning code Yr achos dros god cynllunio

- ❖ “I support the Law Commission’s view that there is a particular need for a Code bringing together the legislation relating to land use planning. Having the legislation in a single place will assist in addressing the dispersed nature of the current legislative framework. This in itself will make the law more accessible to stakeholders.
- ❖ This view is also shared by the Counsel General.”

Scope of initial consolidation exercise Cwpas yr ymarfer gydgyrnhoi cychwynnol

- ❖ “I welcome the Law Commission’s ... view that the scope of the initial consolidation exercise and resulting Bill should include, as far as possible, all planning-related primary legislation relating to:
 - the planning and management of development;
 - the provision of infrastructure and other improvements;
 - outdoor advertising and work to trees;
 - public-sector led improvements and regeneration (insofar as currently within the TCPA 1990); and
 - supplementary and miscellaneous provisions.”

Legislation (Wales) Act 2019 Deddf Deddfywriaeth (Cymru) 2019

Section 1:

- (1) The Counsel General must keep the accessibility of Welsh law under review
- (2) The In this Part, the “accessibility” of Welsh law means the extent to which it is—
 - (a) readily available to members of the public in Welsh and English
 - (b) published in an up-to-date form in both languages (showing whether enactments are in force and incorporating any amendments made to them);
 - (c) clearly and logically organised (both within and between enactments);
 - (d) easy to understand and certain in its effect.

Legislation (Wales) Act 2019 Deddf Deddfywriaeth (Cymru) 2019

Section 2 (*amended by Senedd and Elections (Wales) Act 2020*):

- (1) The Welsh Ministers and the Counsel General must prepare a programme setting out what they intend to do to improve the accessibility of Welsh law.
- (2) A programme must be prepared for each term of [Senedd Cymru] that begins after this section comes into force.
- (3) The programme must include proposed activities that are intended to –
 - (a) contribute to an ongoing process of consolidating and codifying Welsh law;
 - (b) maintain the form of Welsh law (once codified);
 - (c) promote awareness and understanding of Welsh law; and
 - (d) facilitate use of the Welsh language.

The Future of Welsh Law Dyfodol Cyfraith Cymru

The future of Welsh Law: classification, consolidation, codification – WG Consultation Document, **October 2019**:

- ❖ “A major project is underway to modernise and consolidate the law on planning in Wales. This brings together policy and legal expertise from the Welsh Government and the Law Commission, working closely with the Office of the Legislative Counsel” (para 26)
- ❖ [The Welsh Government is] also working on consolidating the law on the historic environment, though this does not involve the Law Commission.”

Meanwhile, in the Senedd ... Yn y cyfamser, yn y Senedd ...

- ❖ “... in terms of primary legislation, the next Government will be under a duty to have a programme of consolidation and codification of its legislation, **work for which is under way in the historic environment and planning fields.**”

(First Minister, in debate on the legislative programme,
15 July 2020)

WG response to recommendations Ymateb LC i argymhellion

- ❖ Welsh Government detailed response to the 192 recommendations in Law Commission Final Report
- ❖ 61% accepted;
- ❖ 25% accepted in principle;
- ❖ 8% rejected;
- ❖ 6% to be taken on board as supporting evidence in future review of the law.

Introductory provisions Darpariaethau rhagarweiniol

- ❖ Duty to have regard to development and all other relevant considerations to be extended to all relevant functions under planning legislation [Accepted in principle (“AP”)]
- ❖ Relevant functions include:
 - impact on Welsh language, and
 - Welsh Government planning policies [Accepted (“A”)]
- ❖ No need to refer to sustainable development duty in Well-being Act [Rejected]

The need for a planning application Yr angen am gais cynllunio

- ❖ Definition of “development” to be tidied up; but no substantive changes [A]
- ❖ Permission not to be granted by EZ scheme or simplified planning zone scheme [A]
- ❖ Provisions as to certificates of lawfulness to be included alongside need for planning permission (not with provisions as to enforcement) [AP]

Applications to the planning authority Ceisiadau i'r awdurdod cynllunio

- ❖ Outline planning applications to be retained [Rejected; will need to be considered further]
- ❖ Duty of authority to reject non-complying application (section 327A) to be dropped [Rejected]
- ❖ Prohibition against twin-tracking to be dropped [A]
- ❖ “Conditions” and “limitations” to be merged [AP]
- ❖ *Newbury* test for conditions to be statutory; and applicants should have right to see draft conditions [A]
- ❖ Bill to include power to issue split decisions; and duty to provide reasons for grant of permission against officers' recommendation [A]

Listed buildings and conservation areas Adeiladau rhestredig ac ardaloedd cadwraeth

- ❖ Various recommendations, to enhance consideration of heritage assets in planning decisions:
- ❖ TCPA to include duty to have regard to desirability of preserving or enhancing any historic asset (not just listed building) or its setting or features;
- ❖ Heritage partnership (but not development order) to be able to grant planning permission for development affecting listed building or curtilage;
- ❖ Grounds of planning appeal to include claim that building should not be listed;

Listed buildings, conservation areas (2) Adeiladau rhestredig ac ardaloedd cadwraeth (2)

- ❖ Planning permission (not listed building consent) needed for all works to listed buildings;
- ❖ Planning permission (not conservation area consent) for demolition of unlisted buildings in conservation area;
- ❖ Carrying out such works without planning permission would be criminal offence (as section 196D in England);
- ❖ Unlimited time for enforcement action against such works.
- ❖ All accepted as supporting evidence for use in future review of law

Outdoor advertising Hysbysebion awyr agored

- ❖ Definitions relating to advertising to be tightened up [A]
- ❖ Minor changes to Advertisements Regulations [A]
- ❖ Introduce procedure to obtain certificate of lawfulness for display of advertisements
- ❖ Advertisements to be lawful after ten years (not 1974) [A]
- ❖ Procedure to enable removal of unauthorised advertisements (not just hoardings) [A]
- ❖ Unlimited maximum fine for unauthorised advertisements [A]

Protected trees and woodlands Coed a choetiroedd gwarchoddedig

- ❖ “Amenity” to include age, rarity, biodiversity etc [AP]
- ❖ Area orders to be converted to individual or group orders when confirmed [A]
- ❖ Woodland preservation orders to be introduced [A]
- ❖ Rules as to dead, dying or dangerous trees to be tightened up; nuisance exemption to be dropped [A]
- ❖ Certificate of lawfulness to be introduced [Rejected]
- ❖ Replacement tree to be at or near tree removed [A]
- ❖ Single offence, as for listed buildings [AP]
- ❖ Consent for works to CA trees to be simplified [AP]

Improvement, regeneration and renewal Gwella, adfywio ac adnewyddu

- ❖ Section 215 notices not to be served where damage is due to third party [Rejected]
- ❖ Section 215 brought together with National Parks and Access to Countryside Act 1949, section 89 [AP]
- ❖ Section 217 appeals to be dealt with inspectors [A]
- ❖ New regulations to deal with graffiti and flyposting [AP]
- ❖ Enterprise zones (under LGPLA 1980) to be dropped [A]
- ❖ Housing action trusts, rural development boards to be dropped [A]
- ❖ New towns, urban devt corpns to be dropped [Rejected]

Acquisition of land Caffael tir

- ❖ Part 9 of TCPA (acquisition of land for planning purposes) to be included in Bill [A]

Possible timetable Amserlen bosibl

- ❖ **Historic Environment (Wales) Bill** could be introduced in autumn 2021; Royal assent 2022
- ❖ **Planning (Wales) Bill** could be introduced in autumn 2022; Royal assent 2023
- ❖ **Consequential Provisions Bill/s** alongside them
(names not fixed)
- ❖ BUT these Bills may be delayed or scrapped due to pressure on Senedd time, or for other reasons

Secondary legislation Is-deddfwriaeth

- ❖ Most secondary planning legislation is Wales-only. However, work is needed to replace and update the remaining major England-and-Wales regulations:
 - TCP (Use Classes) Order 1987
 - TCP General Regulations 1992
 - TCP (Control of Advertisements) Regulations 1992
 - TCP (General Permitted Development) Order 1995
 - TCP (Trees) Regulations 1999
- ❖ Time will tell...

Communication and clarification Cyfathrebu ac egluro

- ❖ Commercial publishers (Halsbury's etc) have little incentive to publish Welsh material separately
- ❖ Encyclopaedia of Planning Law is considering a Wales volume
- ❖ [Legislation.co.uk](http://legislation.co.uk) is being continually improved
- ❖ [Cyfraith Cymru / Law Wales](http://CyfraithCymru.com) website will be improved
- ❖ *Local Development Plan Manual* and *Development Management Manual* (published and updated by WG)

Francis & Taylor

... thank you

... Diolch yn fawr iawn; ac, wrth gwrs,
dymuniadau gorau am Nadolig hapus
a blwyddyn newydd frwythlon



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