

The Planning Series

1 - National planning policy

December 2021



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1 - National planning policy

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Paper overview:

This is 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: Planning Policy Wales and Future Wales: the National Plan 2040.



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1. 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 and Environment Decisions Wales** (PEDW) (**formerly Planning Inspectorate Wales**); and
- Locally: through Local Planning Authorities (LPAs). The LPAs are the 22 Unitary Authorities and the three National Park Authorities.

2. 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 the Senedd was then constituted and called) 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 Senedd 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 **briefing on consenting electricity**).

generation infrastructure).

The previous Welsh Government asked the Law Commission to review planning law in Wales to simplify and consolidate the legislation. The Law Commission **published its recommendations** in November 2018. The Welsh Government **accepted most of the recommendations** and **stated in November 2020** that the main vehicle for delivering the changes would be a Planning Consolidation Bill. No specific timeframe has yet been published for bringing the Bill forward.

3. 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 Welsh Government's planning policies, under which LPAs prepare their Local Development Plans (LDPs).

The latest version of PPW, **Planning Policy Wales (Edition 11)**, was published in February 2021. PPW was most recently updated to reflect publication of **Future Wales: the National Plan 2040** (see below). Prior to that, in 2018, PPW was significantly restructured 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 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.

Future Wales: the National Plan 2040

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

Wales's first NDF, **Future Wales: the National Plan 2040** (Future Wales), was published in February 2021. Our [article](#) and [research briefing](#) summarise Future Wales and the process followed to develop it.

Future Wales sets out a 20 year land use framework and must be reviewed at least every five years. Unlike its predecessor (the Wales Spatial Plan), Future Wales has development plan status. This means it is a material consideration in planning decisions and all Strategic Development Plans (SDPs) and LDPs must be in conformity with it (see our [briefing on local planning policy](#) for more on SDPs and LDPs).

The purpose of Future Wales 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 [briefing on DNS](#));
- sit alongside PPW, which provides 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 a draft of the NDF to be considered by the Senedd before the final version is published. The Senedd has 60 days (excluding recess) to consider the draft NDF. The Welsh Government must take account of any resolution or recommendations made by the Senedd, or any of its committees, in deciding whether or not the draft NDF should be amended. It must publish a statement alongside the final NDF outlining how it has had regard to the Senedd's resolutions or recommendations.

The Fifth Senedd's Climate Change, Environment and Rural Affairs Committee **scrutinised the draft NDF in October and November 2020**, and the Senedd debated it twice, in **September** and **November** 2020.

In February 2021 the Welsh Government published **Future Wales: statement to Senedd** showing how it considered the Senedd's scrutiny and the changes made as a result.

Technical Advice Notes / Minerals Technical Advice Notes

PPW and Future Wales are supported by a **range of other policy and guidance documents**, including **Technical Advice Notes** (TANs) which contain detailed guidance in specific areas. 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.

4. Key sources

Welsh Government

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

- **Planning Policy Wales (Edition 11, February 2021);**
- **Future Wales – The National Plan 2040;**
- **Technical Advice Notes (TANs) and Minerals Technical Advice Notes (MTANs);** and
- **Planning policy and guidance pages.**

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 and these **guidance publications**.

Senedd Research

Other planning briefings produced by Senedd Research are available under the **planning category** on the **Senedd Research website**.

5. Appendix: List of TANs and MTANs

Technical Advice Notes (TANs)

- **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 10: Tree Preservation Orders (1997)**
- **TAN 11: Noise (1997)**
- **TAN 12: Design (2016)**
- **TAN 13: Tourism (1997)**
- **TAN 14: Coastal Planning (2021)** (to be replaced by new **TAN 15: Development, Flood Risk and Coastal Erosion**, currently due to be published on **1 June 2023**)
- **TAN 15: Development and Flood Risk (2004)** (to be replaced by new **TAN 15: Development, Flood Risk and Coastal Erosion**, currently due to be published on **1 June 2023**)
- **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 (2017)**
- **TAN 23: Economic Development (2014)**
- **TAN 24: The Historic Environment (2017)**

Minerals Technical Advice Notes (MTANs)

- **MTAN 1: Aggregates (2004)**
- **MTAN 2: Coal (2009)**