



Llywodraeth Cymru
Welsh Government

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Positive Planning Implementation Plan

December 2015



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1. Introduction

1.1 Background

The Welsh Government is committed to a planning system that is positive, enabling and resilient. To pursue and deliver this 'Positive Planning' agenda, a phased programme of improvements is being implemented based on measures and changes set out in the Planning (Wales) Act 2015 ("the Planning Act") and the 'Positive Planning: Proposals to Reform the Planning System in Wales' consultation paper (December 2013 - February 2014).

The Planning Act received Royal Assent in July this year and puts in place a key legislative foundation to delivering the Government's improvement programme for the planning system. This is to be supported by changes to secondary legislation, policy and guidance, as well as introducing measures to support culture change.

The Planning Act sets out the general principles and framework of the new law. However, in addition to the powers to make commencement orders for the purpose of bringing its provisions into force, the Planning Act also contains powers enabling the full detail of the law to be set out in secondary legislation, whether by order or by regulations. The Planning Act requires a significant amount of secondary legislation to give effect and detail to the laws it contains.

1.2 Purpose

The implementation plan:

- brings together the various improvement projects / programmes and supporting secondary legislation being delivered by the Government in pursuing its positive planning agenda; and,
- sets out the Government's priorities and timescales for delivery for the remaining Assembly term and an indication of timescales post May 2016, which will be subject to ratification by the next Welsh Government.

A summary of the delivery programme is provided in Annex 1 with more detailed information provided in the relevant sections of the implementation plan.

Where relevant, it also identifies and directs to further information and details about the changes and improvements being delivered. When viewing the document electronically, access to the other sources of information is provided directly by web-links that are embedded in the text of the document – shown as underlined and different coloured text.

The various improvement projects and programmes have been grouped under four key themes in this document:

- Supporting Culture Change (Section 2)
- Active Stewardship (Section 3)
- Improving Collaboration (Section 4)
- Improving Local Delivery (Section 5)

Section 6 of the implementation plan provides information about a project being undertaken by the Law Commission on behalf of the Welsh Government to help simplify and consolidate Welsh planning legislation.

1.3 Links to other Welsh Government legislation

The Planning Act is part of a suite of complementary legislation and policy proposals that have been designed to embed sustainable development as the central organising principle for decision making in Wales. The planning system is an important tool to achieving a number of objectives contained in a number of related Acts and Bills that are currently being scrutinised by the National Assembly for Wales.

The **Well-being of Future Generations (Wales) Act 2015** sets out well-being goals for Wales, which public bodies must work towards. This means that each public body listed in the Act must work to improve the economic, social, environmental and cultural well-being of Wales. The planning system and the improvements to be made by the Planning Act will help to work towards these goals.

The **Environment (Wales) Bill** will put in place a modern statutory process to plan and manage our natural resources in a joined up and sustainable way and also put in place a legislative framework necessary to tackle climate change. The planning system, through the development plan and development management systems, will play an important part in achieving the aims and objectives of this Bill.

The **Historic Environment (Wales) Bill** will make improvements to the existing system for the protection and sustainable management of the Welsh historic environment. The planning system has a central role in conserving and managing the historic environment and the proposals in the Bill have been developed in tandem with the reforms in the Planning Act.

2. Supporting Culture Change

The Positive Planning agenda has been designed to support and deliver a positive, enabling and resilient planning system for Wales. At the heart of this agenda is the need to implement a positive change to the culture of the planning system.

The key legislative foundations to influencing positive culture change are set out in the Planning (Wales) Act 2015. However, legislation can only go so far in influencing attitudes and approaches to the system. It cannot achieve the changes needed alone and must be complemented by non-legislative measures.

To complement the legislative approach, a separate programme of work to implement positive culture change has already started. In April last year an expert group was invited to provide advice on how to take this work forward. Having carefully considered their findings earlier this year it has been decided not to set up a new independent body to deliver this work. Instead, a partnership approach between key stakeholders is being pursued.

2.1 Positive Planning Advisory Group

Background

All key stakeholders, including the Welsh Government, must take responsibility to influence and implement positive changes to the culture of the planning system in Wales. In order to pursue this partnership approach the Welsh Government has established the Positive Planning Advisory Group.

This Advisory Group will advise, agree and assist in delivering an annual work programme that will influence and implement positive culture change.

The Group is supported by the Welsh Government and is chaired by the Government's Chief Planner, with its membership drawn from representatives of the following organisations:

- Welsh Local Government Association
- Planning Officers Society for Wales
- Royal Town Planning Institute
- Wales Planning Consultants Forum

It may also, from time to time, co-opt additional individuals into the group to provide specialist expertise and guidance.

Informed by the evidence base supporting the Positive Planning agenda, the initial work of the Advisory Group will focus on local planning authorities, with leadership, resilience, skills and knowledge and sharing of good practice / experiences key areas to be addressed.

Purpose

The purpose of the Positive Planning Advisory Group is to:

- Provide practical and expert advice to inform the content and direction of an annual work programme.
- Agree its submission for consideration by the relevant Welsh Minister.
- Assist and support its delivery.

Implementation Timetable

The Advisory Group will meet four times a year to inform and advise on the content of a work programme to be delivered during the next financial year by the representative organisations on the Group.

The work programme for delivery next financial year (2016/2017) is currently under consideration by the Advisory Group. The programme to be agreed by the relevant Welsh Minister will be published on the Welsh Government's website.

3. Active Stewardship

3.1 Statutory Purpose for the Planning System

Background

The Planning (Wales) Act 2015 (“the Planning Act”) sets out a statutory purpose for planning in Wales, which requires local planning authorities, the Welsh Ministers and other public bodies, when undertaking any development plan or development management functions, to contribute to improving the well-being of Wales as part of carrying out sustainable development. The provision provides a direct link to the requirements to carrying out sustainable development in accordance with the [Well-being of Future Generations \(Wales\) Act 2015](#) (“the Well-being Act”) and complements the aims and objectives of that Act.

The key provision within the [Planning Act](#) is set out in Section 2 ‘Sustainable Development’. An explanation of this section is set out in the [Explanatory Notes](#) that accompany the Act.

Purpose

The statutory purpose will confirm and clarify that functions relating to development planning and applications for planning permission in Wales should be carried out as part of sustainable development in accordance with the Well-being Act.

Implementation Timetable

The timescales for commencing Section 2 of the Planning Act is set out below:

Improvements	Key Stages / Timescales
Statutory Purpose (Section 2 of the Planning Act)	- Commencement of Section 2 – April 2016

The direct link to the Well-being Act means that the timescale for commencing Section 2 of the Planning Act is dependent on the commencement of the relevant sections of the Well-being Act, which are anticipated to come into force in April 2016.

Links to other Positive Planning Projects

National Planning Policy and Guidance – In the short term Planning Policy Wales (PPW) will be updated to provide clarification and guidance to local planning authorities on how the goals of the Well-being Act should be taken into account in plan preparation and planning decisions. In the longer term PPW will be fully revised to align its planning policies with the well-being goals. For more information refer to section 3.2.

3.2 National Planning Policy and Guidance

3.2.1 Planning Policy Wales

Background

Planning Policy Wales (PPW) sets out national land use planning policies, and provides a framework for the delivery of sustainable development through the planning system. It was first published in 2002 and is currently in its 7th edition. From the outset PPW was established on strong principles of sustainable development and this has underpinned the planning system ever since. PPW is updated periodically when specific planning policies are reviewed and updated.

The Well-being of Future Generations (Wales) Act 2015 (“the Well-Being Act”) introduced a series of well-being goals in which specified public bodies, including all planning authorities, must work towards in order to improve the well-being of Wales both now and for future generations.

It is important that planning policy continues to reflect the principles of sustainable development and aligns with the requirements of the Well-being Act. To provide clarification and guidance to local planning authorities, on how the well-being goals should be taken into account in plan preparation and planning decisions PPW will be revised. This will happen in two stages:

- 1) Chapter 4 of PPW on ‘Planning for Sustainability’ will be updated and issued as Edition 8 of PPW in January 2016; this review will incorporate information on the Well-being Act.
- 2) A full revision of PPW to align planning policies with the well-being goals will be undertaken, with a view to issuing the revised document in 2017. PPW will be comprehensively examined to highlight and make cross-references to the well-being goals contained in the Act, thereby intrinsically linking the two and enabling decision makers to justify their decisions within the context of the goals of the Well-being Act.

An interim review of PPW will take place between the release of Edition 8 and the full revision. Edition 9 of PPW will include updates to Chapter 10 on Retailing and Town Centres and is due to be published in late summer / autumn 2016.

More information about how PPW will be revised to align with the requirements of the Well-being Act is available in the [Planning Policy Prospectus \(January 2015\)](#) published on the Welsh Government website, which was produced to inform the scrutiny of the Planning (Wales) Act by the National Assembly for Wales.

Purpose

The revision of PPW will ensure that national planning policy clearly reflects the principles and ambitions of the Well-being Act. The revised PPW will also provide a basis for determining Developments of National Significance.

PPW will eventually sit alongside the National Development Framework as the primary policy documents issued by the Welsh Government to lead and manage the planning system in Wales. These documents will also be supported by two manuals – Development Plan Manual and Development Management Manual – that will provide national guidance on process and procedural matters relating to the planning system (see sub-sections 3.2.2 and 3.2.3).

The PPW revision exercise will provide an opportunity to streamline planning policy and remove any unnecessary detail and duplication. This will be achieved by removing current content from PPW relating to process and procedural matters into both manuals.

Implementation Timetable

Key Stages	Timetable
Edition 8 of PPW issued	January 2016
Edition 9 of PPW issued	Summer - Autumn 2016
New PPW launched	End 2017

Work on preparing updates to the current Planning Policy Wales (editions 8 and 9) will be carried out in tandem with the broader task of revising national planning policy.

Links to other Positive Planning Projects

National Development Framework (NDF) - PPW will complement the NDF. For information on the NDF refer to section 3.4.

Developments of National Significance (DNS) - PPW will provide a national policy context for determining applications for DNS. For more information on DNS refer to section 3.5.

Strategic Development Plans (SDPs) - A revised Planning Policy Wales will provide the national policy context to inform the preparation and content of SDPs as well as local development plans (LDPs). For more information on SDPs refer to section 4.1.

Welsh Language - PPW will be updated to reflect the Welsh language provisions in the Planning (Wales) Act 2015 that relate to local development plans and planning applications. For more information on the Welsh language provisions in the Planning Act refer to sub-section 3.3.

3.2.2 National Guidance - Development Plan Manual

Background

Guidance on local development plans is currently set out in a Manual. The introduction of Strategic Development Plans (SDPs) and the National Development Framework (NDF) by the Planning Act means that they will also form part of the development plan system in Wales.

The existing Manual will be refreshed to accommodate the preparation, content and relationship between the respective components of the development plan, clearly articulating how the relevant elements relate to each other and how they can be applied to decision making.

Purpose

A revised Manual will provide the appropriate guidance to prepare an SDP and differentiate the relationship between SDPs and LDPs, with regard to scale and significance. The preparation process and scope are similar in nature, the key difference being the significance of the implications/proposals contained within each respective plan. The revised Manual will explain how the different plans relate, how they conform to each other and their respective role in decision making. Guidance will assist plan preparation without being overly prescriptive.

Implementation timetable

The guidance is to be published by winter 2017, in advance of SDP preparation.

3.2.3 National Guidance - Development Management Manual

Background

Guidance on development management procedures is currently spread across Technical Advice Notes (TANs), Circulars, Clarification Letters, Dear CPO Letters, and the explanatory memorandums of the various regulations and orders. This can be difficult to find and it is often not clear if documents are still materially relevant, or have been superseded by later guidance.

The Development Management (DM) Manual Project will collate and consolidate these existing sources of information that relate to planning application processes/procedures into a single guidance document.

The amount of guidance will vary between the different stages of the development management process. Some issues will require in-depth guidance and so the manual will contain a series of technical annexes. It is intended to build up the number of annexes in an incremental way over time to create a comprehensive guide.

As a first step, the manual will incorporate or signpost existing circulars or letters to chief planning officers relevant to development management. The manual will be web-based with individual elements of guidance subject to version control.

Purpose

The objective of the manual is to provide clarity, consistency and accessibility of development management guidance to users of the planning system.

Implementation timetable

The first version of the manual will be issued in March 2016. The content will be built up periodically as existing guidance documents are reviewed.

3.3 Welsh Language and the Planning (Wales) Act 2015

Background

The Planning (Wales) Act 2015 (“the Planning Act”) contains provisions that require:

- the Welsh language to be considered when preparing all development plans; and,
- provide clarification to decision makers that they may take account of the Welsh language where it is a material consideration when deciding planning applications.

Planning Policy Wales has established that local planning authorities should give consideration of the impacts of local development plans on the use of the Welsh language, as part of the sustainability appraisal that must be undertaken to inform the plan. Section 11 of the Planning Act places this process on a statutory footing and will ensure it is undertaken in relation to all local development plans, in a consistent manner.

The Planning Act introduces the National Development Framework and Strategic Development Plans, at Sections 3 and 6. These sections also contain a duty to consider the impact of these plans on the use of the Welsh language.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material considerations.

Purpose

The provisions will strengthen the consideration given to the Welsh language in the planning system and develop a consistent process across all planning authorities and development plans.

In the context of determining planning applications, Section 31 of the Planning Act will not give additional weight to the Welsh language as a material consideration, but it will give local planning authorities certainty to consider impacts of a planning application on the use of the Welsh language where appropriate.

Implementation Timetable

The timescales for commencing the provisions relating to the Welsh language are set out below:

Improvements	Key Stages / Timescales
<p>a) Welsh language - Local Development Plans (Section 11 of the Planning Act)</p> <p>b) Welsh language – Planning Applications (Section 31 of the Planning Act)</p>	<ul style="list-style-type: none"> - Commencement of Sections 11 and 31 – January 2016 - Chapter 4 of Planning Policy Wales updated and published – January 2016 - New sections of Technical Advice Note 20 issued for public consultation – January 2016 - Publication of Revised Technical Advice Note 20 – Autumn 2016
<p>c) Welsh language – National Development Framework (Section 3 of the Planning Act)</p>	<ul style="list-style-type: none"> - Commencement of Section 3 – January 2016
<p>d) Welsh language – Strategic Development Plans (Section 6 of the Planning Act)</p>	<ul style="list-style-type: none"> - Commencement of Section 6 – Winter 2017

The Welsh Government will produce updated planning policy and guidance to reflect the new legislative duties placed upon local planning authorities. National Planning Policy on the Welsh language is contained in Chapter 4 of Planning Policy Wales, which will be updated in January 2016. Detailed guidance and practical advice is provided in Technical Advice Note 20: Planning and the Welsh Language (2013) – this will also be updated, with new sections to be issued for public consultation in January 2016.

With regard to the Welsh language measure relating to Strategic Development Plans, its commencement will coincide with the commencement of the provisions and the regulations needed to establish a Strategic Planning Panel that will be responsible for preparing such a plan. It is currently anticipated that this will be towards the end of 2017. For more information on Strategic Development Plans refer to section 4.1.

3.4 National Development Framework

Background

The Planning (Wales) Act 2015 (“the Planning Act”) provides a statutory requirement for the Welsh Ministers to prepare and keep up to date the National Development Framework (NDF) covering the whole of Wales. This national land use plan will replace the Wales Spatial Plan and set out the Welsh Ministers’ policies on development and land use, where the planning system is able to influence and deliver.

The key provision within the [Planning Act](#) is set out in Section 3, with supplementary provisions set out in Sections 7, 8, 9, 10, 16 and schedule 2. An explanation of each section is set out in the [Explanatory Notes](#) that accompany the Planning Act.

Purpose

The key roles of the NDF will include:

- Setting out the Welsh Government’s land use priorities by identifying key locations to accommodate change and infrastructure investment over a 20 year period. The NDF will draw upon and integrate national policies and strategies relating to the development and use of land.
- Providing a national land use framework for Strategic Development Plans (see section 4.1) and Local Development Plans.
- Co-ordinating and maximising the potential benefits arising from investment.
- Providing the development plan context for the Welsh Ministers to make decisions on Developments of National Significance (DNS) (see section 3.5).

More information about the NDF is available in:

- the [Development Plan Prospectus \(January 2015\)](#) published on the Welsh Government website, which informed the scrutiny of the legislation by the National Assembly for Wales; and,
- Section 3 (paragraphs 3.19 to 3.28) of the [Explanatory Memorandum \(July 2015\)](#) accompanying the Planning Act.

Implementation Timetable

The preparation of the NDF will follow a preparation process similar to that for a Local Development Plan.

Key Stages	Timetable
Staged commencements of Sections 3, 7 to 10, 16 and Schedule 2 of the Planning (Wales) Act 2015	January 2016 to Autumn 2019
Publication and consultation on delivery timetable and statement of public participation for the NDF	Summer 2016
Publication and consultation of main issues, options and preferred option, supported by environmental reports and assessment papers	Autumn 2017
Statutory consultation on draft NDF	Summer 2018
Publication of proposed NDF for scrutiny by the National Assembly for Wales.	Spring 2019
Approval of NDF	Autumn 2019

Links to other Positive Planning Projects

Developments of National Significance (DNS) – The NDF will replace the form part of the development plan for decisions on DNS applications. The NDF may also identify DNS projects. For more information on DNS refer to section 3.5.

National Planning Policy and Guidance - Planning Policy Wales (PPW) will complement the NDF. For information on PPW refer to section 3.2.

Strategic Development Plans (SDPs) – The NDF will provide a national land-use framework for SDPs. For more information on SDPs refer to section 4.1.

3.5 Developments of National Significance

Background

The Planning (Wales) Act 2015 (“the Planning Act”) enables the Welsh Ministers to determine planning applications that are of greater significance to Wales under a new process appropriate for the handling of such applications. This new category of development is known as Developments of National Significance (DNS).

The key provisions within the [Planning Act](#) are set out in Sections 19 to 22, with supplementary provisions set out in Sections 17, 18, 24 to 27, 33, 49 to 51 and Schedules 3 and 4. An explanation about each section and schedules are set out in the [Explanatory Notes](#) that accompany the Act.

Purpose

This new category of development will provide greater certainty and efficiency in the decision making process for planning applications determined under this process.

The types of applications to be handled under this process are those which are of greatest significance to Wales in terms of their potential impacts. They may include projects identified as DNS by the National Development Framework or meeting criteria and thresholds set out in regulations. The detail of the process to determine DNS applications will also be prescribed in regulations and orders that will support the provisions in the Planning Act.

Details on the proposed criteria and thresholds for DNS projects and the system to administer and determine these applications were set out in the consultation paper [‘Developments of National Significance’ \(20 May 2015\)](#).

Implementation Timetable

The key delivery stages and anticipated timescales for introducing this legislation are set out below:

Key Stages	Timetable
Consultation to issue on subordinate legislation	Completed – Issued on 30 May 2015
Commencement or partial commencement of Sections 17 to 22, 24 to 27, 33, 49 to 51 and Schedules 3 and 4 of the Planning (Wales) Act to come into force. (Some sections will be partially commenced for the purposes of DNS)	March 2016
Subordinate legislation to come into force	March 2016
Publication of supporting guidance	March 2016

Links to Other Positive Planning Projects

National Development Framework (NDF) and Strategic Development Plan (SDP) - The NDF, SDP (where relevant) and Local Development Plan will provide the development plan context for the Welsh Ministers to make decisions on DNS applications. The NDF may also identify DNS projects. For more information on the NDF and SDP refer to sections 3.4 and 4.1.

National Planning Policy and Guidance – Planning Policy Wales will provide the national policy context for determining DNS applications. For more information refer to section 3.2.

3.6 Planning Appeals

Background

The Welsh Government is taking forward a programme of improvements to the appeal system based on the measures detailed in the [“Positive Planning” consultation](#).

The improvements include:

- commencing or applying existing provisions in the Planning and Compulsory Purchase Act 2004, the Planning Act 2008 and new provisions in the Planning (Wales) Act 2015 (“the Planning Act 2015”);
- changes to secondary legislation; and,
- the issuing of new guidance.

The key provisions within the [Planning Act 2015](#) are set out in:

- Section 47 – ‘No variation of application after service of notice of appeal against planning decision etc.’
- Section 49 – ‘Costs on applications, appeals and references’
- Section 50 – ‘Procedure for certain proceedings’

Section 51 ‘Cost and procedure on appeals etc. further amendments’ and Schedule 5 of the Planning Act 2015 also assist with the effective implementation of Sections 49 and 50 of that Act.

The implementation of these provisions will require regulations, which will set out the technical details of the changes to be made to the appeal system. An explanation of these sections and schedule are set out in the [Explanatory Notes](#) that accompany the Planning Act 2015.

Purpose

Together the improvements are designed to:

- increase the speed of the appeal process to promote efficiency and provide greater certainty;
- increase transparency through better communication and exchange of information among all parties to promote participation and public confidence in the appeal process;
- ensure good behaviour among all parties; and,
- increase fairness for all involved.

For more information on the provisions contained in the Planning Act 2015 please refer to:

- Section 3 (paragraphs 3.151 to 3.159 and 3.162 to 3.166) of [the Explanatory Memorandum \(July 2015\)](#) accompanying the Act; and,

- Sections 11 and 12 of the [‘Planning \(Wales\) Bill Statements of Policy Intent’ \(November 2014\)](#), which informed the scrutiny of the Act by the National Assembly for Wales.

Implementation Timetable

The implementation of this improvement programme is to be undertaken in two stages. The first stage has been completed where changes have been made to the appeal system using existing legislative powers. The second stage will focus on implementing the changes to the system from the Planning Act 2015.

Stage 1	
Improvements	Timetable
<p>a) Enable the Welsh Ministers or an appointed person to determine the method by which an appeal is to be conducted</p>	<p>Completed – The changes were introduced through the following subordinate legislation, which came into force in November 2014:</p> <ul style="list-style-type: none"> - The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 - The Planning (Listed Buildings and Conservation Areas) (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014 - The Planning (Hazardous Substances) (Determination of Procedure) (Prescribed Period) (Wales) 2014
<p>b) Allow applications to be referred back to the Local Planning Authority in the case of appeals against non-determination of applications, within a specified time period</p>	<p>Completed – The changes were introduced through the following subordinate legislation:</p> <ul style="list-style-type: none"> - The Planning and Compulsory Purchase Act 2004 (Commencement No.14 and Saving) Order 2015, which commenced Section 50 of that Act on 23 February 2015. - Article 9 of The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015, which came into force on 22 June 2015.

<p>c) Removal of time limit restricting the right of applicant to appeal on the grounds of non-determination</p>	<p>Completed – The changes were introduced through Article 8 of The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015, which came into force on 22 June 2015.</p>
<p>d) Introduction of a faster process for determining householder and commercial appeals</p>	<p>Completed – The changes were introduced through The Town and Country Planning (Referrals and Applications) (Written Representations Procedure) (Wales) Regulations 2015, which came into force on 22 June 2015.</p>
<p>e) Expediting the appeal procedure for specialist appeals</p>	<p>Completed – The changes were introduced through the following subordinate legislation:</p> <ul style="list-style-type: none"> - The Town and Country Planning (Power to Override Easements and Applications by Statutory Undertakers) (Wales) Order 2015, which came into force on 14 October 2015. - The Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Wales) Regulations 2015, which came into force on 16 December 2015

<p>Stage 2</p>	
<p>Improvements</p>	<p>Key Stages / Timescales</p>
<p>f) To prevent the variation or amendment of a planning application after an appeal has been made, except in circumstances specified in an order or regulations</p>	<ul style="list-style-type: none"> - Consultation on subordinate legislation to be issued – June 2016
<p>g) Only allow new matters to be raised during an appeal in exceptional circumstances</p>	<ul style="list-style-type: none"> - Commencement of Section 47, - November 2016 (Sections 49 to 51 provide regulation making powers to support both applications and appeals – it will therefore already be in force as part of bringing forward the legislation to introduce applications for Developments of National Significance – see section 3.5)
<p>h) Consolidate the costs regime and to allow the recovery of costs incurred by the Welsh Ministers or appointed persons and for costs to be recovered</p>	<p>Commencement of Section 47, - November 2016 (Sections 49 to 51 provide regulation making powers to support both applications and appeals – it will therefore already be in force as part of bringing forward the legislation to introduce applications for Developments of National Significance – see section 3.5)</p>

<p>in the case of appeals proceeding by written representations</p> <p>i) Allow procedure rules for oral examination methods to be written by the Welsh Ministers</p> <p>j) Introduce a requirement for a full appeal statement to be submitted with the appeal and setting out the information requirements for that statement</p>	<ul style="list-style-type: none"> - Regulations to come into force – January 2017 - Publication of guidance – January 2017
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Evidence gathering will start in the new year to inform the content of the consultation paper to be issued in June 2016.

Links to other Positive Planning Projects

National Planning Policy and Guidance – Guidance to support legislative changes to the appeal system will be incorporated into the Development Management Manual – refer to section 3.2.

4. Improving Collaboration

4.1 Strategic Development Plans

Background

The Planning (Wales) Act 2015 provides a legal framework for the preparation of Strategic Development Plans (SDPs). An SDP will only be required in areas where there are planning matters of greater than local significance. It will also form part of the development plan for that area, together with the National Development Framework and Local Development Plan.

The SDP will be prepared and reviewed by a Strategic Planning Panel that will comprise of elected members from local planning authorities within the SDP area and nominated members from social, environmental and economic groups. The Planning Act provides the Welsh Ministers with a regulation making power to make provision for the composition of the Panel, including gender balance.

The key provisions within the [Planning Act](#) are set out in Sections 4, 5, 6 and Schedule 1, with supplementary provisions set out in Sections 7, 8, 9, 10, 16 and Schedule 2. An explanation about each Section and Schedule is set out in the [Explanatory Notes](#) that accompany the Act.

The Planning Act does not specify where SDPs should be prepared; however, during the scrutiny of the Planning Act and as highlighted in the Explanatory Memorandum that accompanies it, three areas were provisionally identified that could possibly benefit from strategic planning – Cardiff, Swansea and the A55 corridor. The legislation is also flexible enough to accommodate any change in the number of local authorities.

It will be for LPAs to work together to determine the draft boundary of the SDP area for submission to the Welsh Government for consideration and agreement. Once agreed preparation of the SDP can commence.

Purpose

SDPs will address issues that cross local authority boundaries reflecting how people live their lives today and in the future. They provide a consistent and cost effective approach, with key decisions taken once at the strategic level. This allows larger than local issues, such as housing supply, strategic housing allocations, strategic employment sites and supporting transport infrastructure, which cut across a number of local planning authority areas, to be considered and planned for in an integrated and comprehensive way.

This approach complements other strategic initiatives including the proposed metro, city regions and city deal by providing a clear policy and governance framework for strategic planning and co-ordination.

More information about SDPs is available in:

- the [Development Plan Prospectus \(January 2015\)](#) published on the Welsh Government website, which informed the scrutiny of the Planning Act by the National Assembly for Wales; and,
- Section 3 (paragraphs 3.29 to 3.39) of the [Explanatory Memorandum \(July 2015\)](#) accompanying the Planning Act.

Implementation Timetable

The delivery of SDPs is a medium term project that will be undertaken in key stages, along with the commencement of the relevant Sections in the Planning Act and introduction of supporting subordinate legislation.

The timescale for establishing an SDP area and Panel by regulations is likely to take approximately 2 years. Once the regulations have been made, the establishment of the Panel and preparation of the SDP can commence. In line with the Local Development Plan process, it is anticipated that the SDP process should be completed in 4 years, with the earliest SDP being adopted in 2021.

Work has already started with the following elements having already been completed or are underway:

- [Consultation Paper - Proposals relating to Strategic Planning Panel Regulations: Composition and Financial Matters \(10 August 2015\)](#)

During the scrutiny of the Planning Act by the National Assembly for Wales, the Minister for Natural Resources highlighted the importance of addressing equality issues on public bodies, including Strategic Planning Panels. A consultation paper was published in August 2015 asking for views on proposals regarding the gender composition of strategic planning panels. The paper also asked for views on financial matters relating to the Panels. For more information please refer to the consultation paper.

- [The Planning \(Wales\) Act 2015 \(Commencement No.1\) Order 2015](#)

This Commencement Order brought Section 4 'Designating Strategic Planning Areas and establishing Strategic Planning Panels' and Part 1 of Schedule 1 'Constitution and Financial Arrangements of Panels' of the Planning Act into force on 5 October 2015.

The commencement order formally enables LPAs to identify and work with a lead authority (defined in legislation as the 'responsible authority') to develop proposals for the designation of strategic planning areas for consideration and approval by the Welsh Government. It also enables the Welsh Government to make regulations for designating such areas and establishing Strategic Planning Panels when proposals submitted by the 'responsible authority' have been approved by them. More information about the Commencement Order is provided by the accompanying Explanatory Notes.

The remaining Sections and Parts of related Schedules of the Planning Act will be commenced in a staged approach.

The key delivery stages and anticipated timescales for the introducing SDPs are set out below:

Key Stages	Timetable
Staged commencements of Sections 4 to 10, 16 and Schedules 1 and 2 of the Planning (Wales) Act 2015	Sections 4 to 6, 16 and Schedule 2 - October 2015 to end of 2017 Sections 7 to 10 – 2021 / 2022 (on adoption of an SDP)
Welsh Government to support LPAs wishing to submit proposals for strategic planning areas.	Ongoing
Strategic Planning Panel Regulations: Composition and Financial Matters	March 2016
‘Responsible authority / authorities’ to submit proposals for strategic planning areas to the Welsh Government	Autumn / Winter 2016
Welsh Government to consider proposals	Spring 2017
Consultation to be issued on the establishment regulations These regulations will establish: - The strategic planning area and Panel for the area approved by the Welsh Government - The form and content of Strategic Development Plans	Spring 2017
Regulations to be introduced and come into force	Winter 2017
Strategic Planning Panel for the area to be established	Winter 2017 to Spring 2018
Strategic Development Plan preparation, consultation stages, examination and adoption	Anticipated by 2021 / 2022

Links to other Positive Planning Projects

National Development Framework (NDF) – The SDP will have development plan status and together with the NDF and Local Development Plan will form the development plan for an area. For more information on the NDF refer to section 3.4.

National Planning Policy and Guidance – A revised Planning Policy Wales will provide the national policy context to inform the preparation and content of SDPs, with guidance on their preparation and relationship with other development plans to be provided in a revised Development Plans Manual. For more information refer to section 3.2

4.2 Joint Planning Boards

Background

Section 2 of the Town and Country Planning Act 1990 provides the Welsh Ministers with powers to establish Joint Planning Boards (JPBs) to cover two or more local planning authority areas.

The Planning (Wales) Act 2015 (“the Planning Act”) includes provisions to modernise and improve these existing powers by:

- Enabling JPBs to prepare a local development plan and act as a charging authority for the purpose of the community infrastructure levy.
- Allowing the Welsh Ministers to extend the powers of JPBs to carry out development management functions in a National Park, where it is included in its area. The regulations to extend these powers would be subject to the consideration and approval of the National Assembly for Wales, and would not extend to plan-making functions, which would continue to be carried out by the National Park Authority.

The key provisions in the [Planning Act](#) are set out in Sections 15 and 40 to 42. An explanation of each Section is set out in the [Explanatory Notes](#) that accompany the Act.

Purpose

The provisions in the Planning Act modernise and improve the existing JPB powers to ensure that they can operate effectively and efficiently within the current planning and legislative framework.

They also introduce flexibility to allow the Welsh Ministers to determine the types of bodies that can fulfil the role of a local planning authority with regard to statutory planning functions, including development plans and development management, in order to deliver efficient, effective and resilient planning services across Wales.

The provisions that relate to JPBs and National Park Authorities (NPAs) enable JPBs to exercise the development management functions of NPAs where there is evidence to suggest that this approach would be beneficial. The provisions retain the local development plan making functions by NPAs, ensuring the links between the National Park Management Plan and the local development plan are maintained, and that there is consistency in planning policy across a National Park area. More information on these provisions is provided in Section 3 (paragraphs 3.124 to 3.127) of the [Explanatory Memorandum \(July 2015\)](#) accompanying the Planning Act.

Implementation Timetable

The timescales for commencing the provisions relating to Joint Planning Boards are set out below:

Improvements	Key Stages / Timescales
Joint Planning Boards: Functions relating to surveys and Local Development Plans (Section 15 of the Planning Act)	<ul style="list-style-type: none"> - Commencement of Section 15 (1) and (2) – March 2016 - Commencement of Section 15 (3) – April 2016
Joint Planning Boards: Hazardous Substances Authority (Section 40 of the Planning Act)	<ul style="list-style-type: none"> - Commencement of Section 40 – March 2016
Joint Planning Boards: National Park Authorities (Sections 41 and 42 of the Planning Act)	<ul style="list-style-type: none"> - Commencement of Sections 41 and 42 – March 2016

The commencement of Section 15 (3) of the Planning Act is dependent on the commencement of the relevant Sections of the Well-being of Future Generations (Wales) Act 2015, which are anticipated to come into force in April 2016.

Links to other Positive Planning Projects

Planning Performance Framework – The modernisation and improvement of the existing JPB powers provides the Welsh Government with an alternative mechanism to deliver efficient, effective and resilient planning services across Wales. For more information on the Planning Performance Framework refer to section 5.1.

5. Improving Local Delivery

5.1 Planning Performance Framework

Background

The [“Positive Planning” consultation paper](#) proposed a framework for measuring and reporting on the delivery of planning services. This included:

- a Performance Framework table, publishing performance against indicators and targets agreed with stakeholders and informed by data collected on a quarterly basis;
- an Annual Performance Report, prepared by local planning authorities, summarising their performance over the previous financial year, and identifying areas of best practice and actions to be taken to drive improvement where required; and
- an overarching Annual Performance Report, prepared by the Welsh Government, that will assist in providing a strategic picture of common issues and factors in the delivery of local services and setting out areas for future work in delivering and sharing good practice on a national basis.

Purpose

The purpose of the Planning Performance Framework is to:

- Provide a clear and accurate picture of the levels of service delivery by Welsh local planning authorities and other stakeholders, measured against agreed indicators and targets.
- Identify where service standards fall below acceptable levels, so that support and intervention measures can be undertaken.
- Identify areas of good practice, to promote good ideas amongst local planning authorities and other stakeholders.
- Require local planning authorities to take a reflective, self-improvement approach to the local delivery of services, as part of the Annual Performance Report process.
- Enable a Wales-level view on the operational issues faced by local planning authorities, and measure the operational impact of legislative and policy changes, and provide support where appropriate to enable positive change.

More information about the Planning Performance Framework is available at:

- Sections 6.10 to 6.19 of the [Positive Planning consultation paper](#), which sets out the scope for the operation of the performance management, self-improvement and “active stewardship” approach to planning service delivery.

- Our [Planning Performance Framework webpage](#), which sets out the indicators, current targets and the latest published reports on performance.
- Our [Annual Performance Report webpage](#), which contains guidance on the format and production of Annual Performance Reports, and will host the Annual Performance Report for Wales when produced.

Implementation Timetable

Key Stages	Timetable
Finalise performance indicators and targets for reporting	November 2014 (complete)
Introduce quarterly publication of the Performance Framework table, charting LPA performance against the indicators and targets that were introduced in November 2014	April 2015 (complete)
Publish the first financial year Performance Framework Table, to be used as the basis for the production of Annual Performance Reports	May 2015 (complete)
LPAs to submit Annual Performance Reports to Welsh Government.	Winter 2015 (and then repeated annually)
Welsh Government to publish Wales wide Annual Performance Report.	Spring 2016 (and then repeated annually)
Review indicators and targets with Local Government and revise as appropriate.	Summer 2016 (and then repeated annually)

Links to other Positive Planning Projects

Direct Planning Applications to Welsh Ministers – The criteria to be applied in assessing and determining whether a local planning authority is underperforming, and should therefore be designated by the Welsh Ministers for that purpose, is likely to be drawn from the indicators contained in the Performance Framework Table. For more information on introducing direct planning applications to Welsh Ministers refer to section 5.2.

5.2 Direct Planning Applications to Welsh Ministers

Background

The Planning (Wales) Act 2015 (“the Planning Act”) provides the Welsh Ministers with the ability to take action in the case of clear and persistent failures in a Local Planning Authority (LPA) performance. The powers in the Planning Act enable the Welsh Ministers to designate an LPA as poorly performing and to revoke such designation at any time based on defined criteria. Where an LPA has been designated, applicants will have the option to submit planning applications direct to the Welsh Ministers for determination rather than the LPA.

The criteria to be applied in designating an LPA as “poorly performing” is likely to be drawn from the Planning Performance Table (see section 5.1) and will be subject to consultation.

The key provisions within the [Planning Act](#) are set out in Section 23, with supplementary provisions set out in Sections 17, 18, 24 to 27, 33, 49 to 51 and Schedules 3 and 4 to assist with the effective implementation of the main provision. An explanation of each section and schedules are set out in the [Explanatory Notes](#) that accompany the Act.

Purpose

Introducing these provisions and supporting subordinate legislation will ensure that LPAs focus on improving their performance, encouraging efficient working in respect of their development management and other planning functions. It will also provide developers with an alternative service to enable their applications to be processed and determined in a timely manner.

More information about the introduction of these provisions and supporting subordinate legislation is available at:

- Section 3 (paragraphs 3.81 to 3.87) of the [Explanatory Memorandum \(July 2015\)](#) accompanying the Planning Act; and,
- Section 6 of the [‘Planning \(Wales\) Bill Statements of Policy Intent’ \(November 2014\)](#), which informed the scrutiny of the Planning Act by the National Assembly for Wales.

Implementation Timetable

Certain aspects of the provisions in the Planning Act are to be provided in subordinate legislation (by regulations and development order), which will prescribe the process and requirements for making and determining such applications.

The key delivery stages and anticipated timescales for introducing this legislation are set out below:

Key Stages	Timetable
Consultation to be issued on subordinate legislation setting out the process and requirements for making and determining such applications.	Summer 2016
Consultation to be issued on the criteria to be applied in designating an LPA or to revoke the designation	Summer 2016
Commencement of Sections 23 to 27 and Schedules 3 and 4 to come into force for all remaining purposes (Sections 17, 18, 33 and 49 to 51 will already be in force as part of bringing forward the legislation to introduce applications for Developments of National Significance – see section 3.5) Subordinate legislation to come into force Publication of supporting guidance	Spring 2017
Welsh Government to monitor LPA performance against the designation criteria	Spring 2017 onwards

Links to other Positive Planning Projects

Planning Performance Framework – The criteria to be applied in assessing and determining whether a local planning authority is underperforming, and should therefore be designated by the Welsh Ministers for that purpose, is likely to be drawn from the indicators contained in the Performance Framework Table (refer to section 5.1).

5.3 Improving the Local Development Plan Process

Background

The [Positive Planning consultation paper](#) proposed a programme of improvement to the Local Development Plan system.

The improvement programme includes:

- Completing the LDP Refinement Exercise.
- Introducing powers to enable the Welsh Ministers to direct two or more local planning authorities to prepare a joint LDP.
- Introducing powers requiring local planning authorities to give prior notification to the Welsh Ministers before an LDP can be withdrawn.
- Introducing an end date for LDPs – after this date passes, the LDP ceases to be a development plan.

In addition, the production of Place Plans as Supplementary Planning Guidance is also being pursued to encourage greater community engagement in planning, allowing communities to shape their localities. These plans can set out the more detailed thematic or site specific guidance to supplement the policies and proposals presented in an adopted LDP. A series of pilot projects are being developed that will support Town/Community Councils to develop 'Place Plans'.

The implementation of the LDP refinement exercise and the ability to create Place Plans relies on existing powers from the Planning and Compulsory Purchase Act 2004. The remaining improvements will be delivered using the following provisions from the [Planning Act](#):

- Section 12 – 'Period for which the local development plan has effect'
- Section 13 – 'Withdrawal of local development plan'
- Section 14 – 'Welsh Ministers' power to direct preparation of joint local development plans'

More information about these sections is provided in the [Explanatory Notes](#) that accompany the Act.

Purpose

Together, the improvements are designed to:

- improve the LDP process to ensure that development plans are prepared as quickly as possible for appropriate areas; and,
- help to ensure that, where LDPs have been produced, they are kept up to date and relevant for making decisions on planning applications and appeals.

More information about the LDP refinement exercise is provided by the [Local Development Plan Process Refinement Exercise: Report \(September 2013\)](#).

Further information about the introduction of the provisions contained in the Planning Act, supporting subordinate legislation and Place Plans can be found in:

- Section 3 (paragraphs 3.40 to 3.53) of the [Explanatory Memorandum \(July 2015\)](#) accompanying the Planning Act;
- Sections 3 and 4 of the '[Planning \(Wales\) Bill Statements of Policy Intent](#)' (November 2014), which informed the scrutiny of the Planning Act by the National Assembly for Wales; and,
- the [Development Plan Prospectus \(January 2015\)](#) published on the Welsh Government website, which informed the scrutiny of the Planning Act by the National Assembly for Wales.

Implementation Timetable

The implementation of this improvement programme has already begun with the making of [The Town and Country Planning \(Local Development Plan\) \(Wales\) \(Amendment\) Regulations 2015](#). This introduced a number of changes to the LDP process and came into force on 28 August 2015.

The next stage of the LDP improvement programme will focus on implementing the changes from the Planning Act. Certain aspects of the provisions in the Act are to be provided in subordinate legislation (by means of regulations).

Improvements	Key Stages / Timescales
LDP Refinement Exercise	Completed –Changes to the LDP process were introduced through The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 , which came into force on 28 August 2015.
Planning (Wales) Act: <ul style="list-style-type: none"> - Section 12 – End date for LDPs - Section 13 – Requirement to provide prior notification of LDP withdrawal - Section 14 – Ability to direct LPAs to prepare a joint LDP 	<ul style="list-style-type: none"> - Commencement of Sections 12 to 14 – March 2016 - Regulations to come into force to support sections 12 to 14 – Summer 2016
Place Plans	Ongoing – A series of pilot projects are being developed to support Town/Community Councils develop 'Place Plans' for their area where an LDP had been adopted by the local planning authority

5.4 Improving the Development Management System

The Welsh Government is taking forward a programme of improvements to the development management system based on the package of measures detailed in the [Positive Planning consultation paper](#). In particular, it focuses on the planning application process and the enforcement system. In addition, we are also undertaking a detailed review of the Use Class Order.

5.4.1 Planning Application Process

Background

The improvements to the planning application process rely on a combination of existing provisions in the Town and Country Planning Act 1990, new provisions in the Planning (Wales) Act 2015 (“the Planning Act”), changes to subordinate legislation and new policy and guidance. They relate to:

- Requirement to carry out pre-application consultation (Section 17 of the Planning Act)
- Requirement to provide pre-application services (Section 18 of the Planning Act)
- Invalid applications: notices and appeals (Sections 28 to 30 of the Planning Act)
- Decision notices and notification of development (Sections 33 and 34 of the Planning Act)
- Duration of planning permission (Sections 35 and 36 of the Planning Act)
- Stopping up or diversion of public footpaths where an application for planning permission is made (Section 38 of the Planning Act)
- Planning committees and delegation (Section 39 of the Planning Act)
- Statutory consultees (commencement of Section 54 of the Planning and Compulsory Purchase Act 2004; Sections 17 and 37 of the Planning Act; and, a review of statutory consultees identified in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012)
- Planning application fees
- Post submission amendments
- Design and Access Statements
- Renewal of planning permission
- Planning application fees
- Town and Village Greens (Sections 52 to 54 and Schedule 6 of the Planning Act)

More information about the relevant sections of the Planning Act are set out in the accompanying [Explanatory Notes](#).

Purpose

Together the improvements are designed to:

- Encourage early meaningful and effective engagement to ensure that communities and statutory consultees can influence development proposals.
- Increase clarity, transparency and certainty within the development management process.
- Introduce greater consistency and efficiency in the procedures to determine planning applications whilst retaining local democratic accountability.
- Help to achieve timely decisions.
- Clarify the process for handling planning applications and Town and Village Green applications, to avoid parallel processes which are confusing for all parties, including local residents.

Detailed information about the proposed improvements are set out in the following consultation papers and sections of the Explanatory Memorandum:

- [‘Secondary legislation for development management’ \(19 June 2015\)](#);
- [‘Proposed amendments to secondary legislation for development management covering: statutory consultees, design and access statements, houses of multiple occupation’ \(3 August 2015\)](#);
- [‘Planning Committees, Delegation and Joint Planning Boards’ \(6 October 2014\)](#); and,
- Section 3 (Paragraphs 3.57 to 3.73, 3.88 to 3.123, 3.128 to 3.136, 3.160 and 3.161) of the [Explanatory Memorandum \(July 2015\)](#) accompanying the Planning Act.

Implementation Timetable

Implementation of this improvement programme relies on bringing forward subordinate legislation in the form of:

- commencement orders to bring into force the necessary provision in the Planning (Wales) Act;
- new regulations and orders; and,
- regulations and orders amending existing subordinate legislation, in particular the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, which sets out procedures for the determination of planning related applications.

The delivery of this package of subordinate legislation and commencement of provisions in the Planning Act will be undertaken in a phased approach, which is set out below:

Improvements	Key Stages / Timescales
<p>a) Planning Application Fees</p>	<p>Completed – Changes to Planning Fees in Wales were introduced by The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015, which came into force on 1 October 2015.</p>
<p>b) Planning application process:</p> <ol style="list-style-type: none"> 1. Requirement to carry out pre-application consultation 2. Requirement to provide pre-application services 3. Invalid applications: notices and appeals 4. Decision notices and notification of development 5. Duration of planning permission 6. Statutory consultees 7. Post submission amendments 8. Design and Access Statements 9. Renewal of planning permission 	<ul style="list-style-type: none"> - Consultation on subordinate legislation – <i>Complete</i>: Issued on 19 June and 3 August 2015 - Commencement of Sections 17, 18, 28 to 30 and 33 to 38 - March 2016 - Regulations and orders to come into force – March 2016 - Publication of guidance – March 2016
<p>c) Planning committee structure</p>	<ul style="list-style-type: none"> - Consultation on subordinate legislation – <i>Complete</i>: Consultation paper issued on 6 October 2014 - Commencement of Sections 39 – Spring 2017 - Regulations to come into force – Spring 2017 - Publication of guidance – Spring 2017
<p>d) National Scheme of Delegation to Officers</p>	<ul style="list-style-type: none"> - Consultation on subordinate legislation – <i>Complete</i>: Consultation paper issued on 6 October 2014 - Focused stakeholder engagement – Autumn 2017

	<ul style="list-style-type: none"> - Further consultation paper – Winter 2017 - Regulations to come into force – Spring 2018 - Publication of guidance – Spring 2018
e) Town and Village Greens	<ul style="list-style-type: none"> - Consultation on subordinate legislation – November 2016 - Commencement of Sections 52 to 54 and Schedule 6 - April 2017 - Regulations and orders to come into force – May 2017 - Publication of guidance – May 2017

Links to other Positive Planning Projects

National Planning Policy and Guidance – Guidance to support the legislative changes to the development management system will be set out in the Development Management Manual (refer to section 3.2).

5.4.2 *Enforcement*

Background

The programme of improvements for the enforcement system is set out in Section 3 (paragraphs 3.137 to 3.150) of the [Explanatory Memorandum](#) accompanying the Planning (Wales) Act 2015 (“the Planning Act 2015”).

The key provisions within the [Planning Act 2015](#) are set out in Sections 32, 43 to 46 and 48. An explanation of each of these sections is provided in the [Explanatory Notes](#) to the Planning Act 2015.

Purpose

The improvements will reduce the opportunity to delay effective enforcement action, which will help improve public confidence in the planning system by providing effective and timely resolution of breaches of planning control.

Implementation Timetable

The majority of the improvements rely only on bringing relevant provisions from the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and the Planning Act 2015 into force by commencement orders. The changes to

transfer responsibility for determining appeals against unsightly land notices from the Magistrates to the Welsh Government (Section 48 of the Planning Act 2015) is the only enforcement related provision that requires supporting regulations. The timings for their implementation are set out below:

Improvements	Key Stages / Timescales
<p>e) Introduction of temporary stop notices (Section 52 of the PCPA 2014)</p>	<p>Completed – The Planning and Compulsory Purchase Act 2004 (Commencement No. 14 and Saving) Order 2015 introduced such notices by bringing into force Section 52 of the PCPA 2004 on 23 February 2015.</p> <p>Guidance on the introduction of temporary stop notices was provided in June 2015.</p>
<p>f) Power to decline to determine retrospective planning applications for development that is subject to an enforcement notice (Section 32 of the 2015 Act)</p> <p>g) Power to require the submission of a retrospective planning application where unauthorised development can be regularised and controlled by planning conditions (Section 43 of the 2015 Act)</p> <p>h) Appeal against an enforcement notice (Section 44 of the 2015 Act)</p> <p>i) Removal of the ability to appeal ground (a) where a refusal of planning permission has already been upheld at appeal (Section 45 of the 2015 Act)</p> <p>j) Removal of the ability to appeal against the refusal of retrospective planning permission where ground (a) appeal has failed (Section 46 of the 2015 Act)</p>	<ul style="list-style-type: none"> - Commencement of Sections 32 and 43 to 46 - March 2016 - Publication of guidance – March 2016

<p>k) Transfer of responsibility for determining appeals against unsightly land notices from the Magistrates to the Welsh Government (Section 48 of the 2015 Act)</p>	<ul style="list-style-type: none"> - Consultation on subordinate legislation – <i>Complete</i>: Issued on 19 June, ‘Secondary legislation for development management’. - Commencement of Sections 48 – September 2016 - Publication of guidance – September 2016
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Links to Other Positive Planning Projects

National Planning Policy and Guidance – Guidance to support the legislative changes to the enforcement system will be set out in the Development Management Manual (refer to section 3.2).

5.4.3 Use Classes Order Review

Background

The Town and Country Planning (Use Classes) Order 1987 (“Use Classes Order”) allows certain changes of use of buildings or land without the need to apply for planning permission.

The Welsh Government commissioned research to examine and quantify the nature of problems associated with high concentrations of Houses in Multiple Occupation (HMOs) and recommend potential solutions. The [‘Houses in Multiple Occupation Review’ \(May 2015\)](#) recommended changes to the Use Classes Order to enable local authorities to manage the location of HMOs.

The Welsh Government is also undertaking a wider review of the Use Classes Order and the associated permitted development rights that allow changes between use classes. The review will explore whether the relevant legislation remains fit for purpose and the opportunities for providing more flexibility to allow the change of use of buildings or land without the need to apply for planning permission.

Purpose

The proposed changes to the Use Classes Order that allow provide LPAs to manage future growth of HMO concentrations is set out in a consultation paper ([‘Proposed amendments to secondary legislation for development management covering: statutory consultees, design and access statements, houses of multiple occupation’, 3 August 2015](#)).

The wider review of the Use Classes Order will evaluate the possibility of removing unnecessary planning applications from the development management system whilst ensuring planning and land use impacts are

properly considered. The review supports the Welsh Government’s overall vision for a planning system that facilitates appropriate development.

Implementation Timetable

To manage future growth of HMO concentrations changes will be made by Orders amending the Use Classes Order and the Town and Country Planning (General Permitted Development) Order 1995 (“General Permitted Development Order”).

Any changes resulting from the wider review of the Use Classes Order and General Permitted Development Order will result in an updated and consolidated version of the Use Classes Order and General Permitted Development Order.

The timings for their delivery are set out below:

Improvements	Key Stages / Timescales
Use Classes Order changes to manage future growth and concentrations of Houses in Multiple Occupation	<ul style="list-style-type: none"> - Consultation on subordinate legislation – <i>Complete</i>: Issued on 3 August 2015 - Introduction of subordinate legislation – February 2016
Wider Use Classes Order Review	<ul style="list-style-type: none"> - Research to be published - February 2016 - Consultation – Autumn 2016 - Subordinate legislation to come into force – Summer 2017 - Publication of guidance – Summer 2017

6. Planning and Development Management in Wales – Law Commission Project

Background

In November 2014, the Law Commission agreed to conduct a project on planning law in Wales as part of its 12th Programme of Law Reform. The broad objective of the project is to review the law relating to town and country planning in Wales, with the view to making recommendations to simplify and modernise the law. Although the terms of reference are wide, the focus of the project is on the development management and the relationship with the development plan system.

To inform the project, the Commission undertook a critical examination of the way in which the development management process operated in law and in practice, and explored the possibility of strengthening the link between development management and plan making.

In undertaking this exercise the Commission did not discover fundamental flaws in the development management system or an urgent need for substantive reform. What was clear, however, was a need for broader simplification of the law. In particular, the Law Commission's review highlighted that the law in this area is unnecessarily complicated and, in places, difficult to understand.

During the review and early focused consultations, stakeholders shared their concerns about the unnecessary complexity and inaccessibility of the law, with almost universal desire to see the law consolidated.

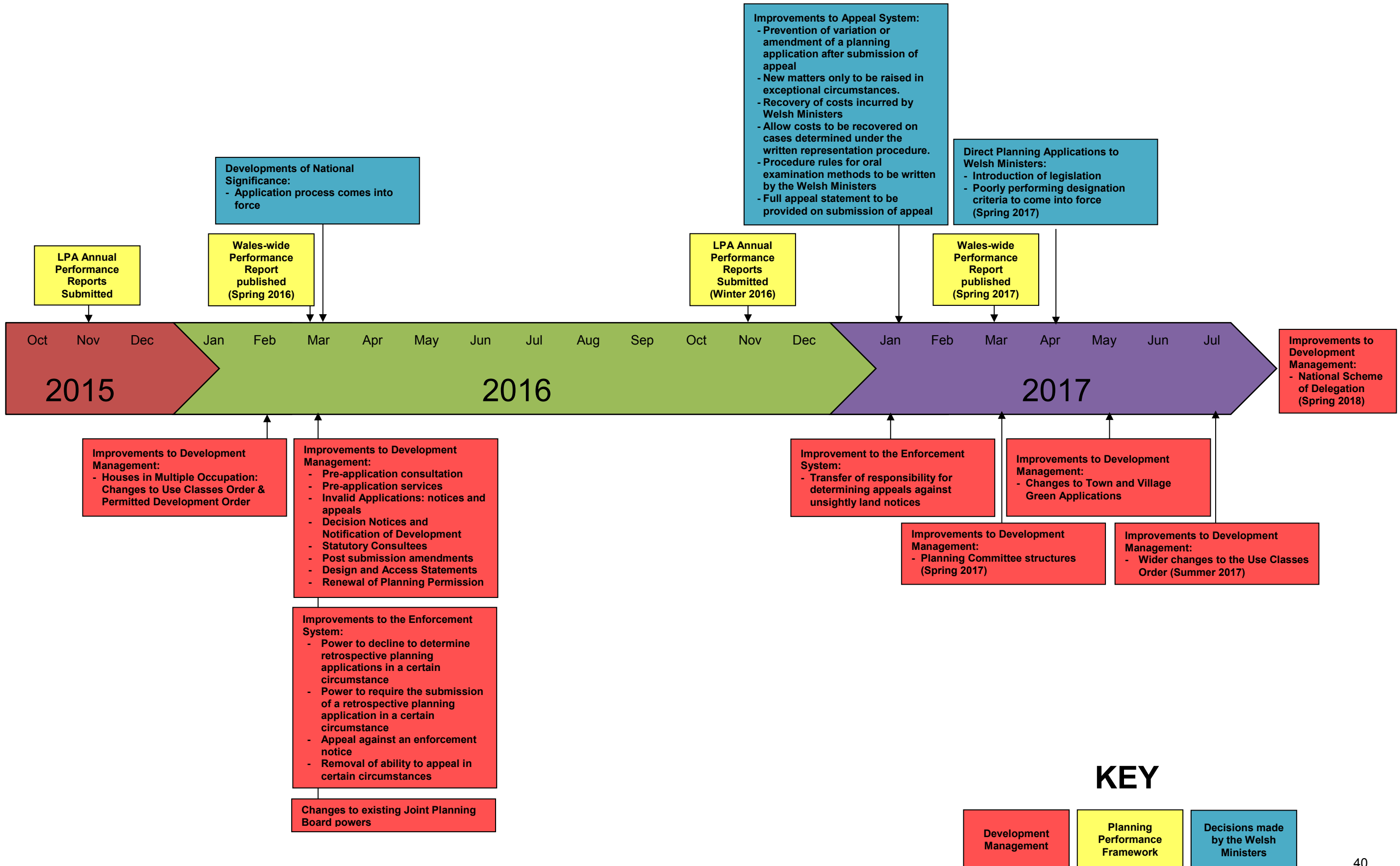
Restructuring of the project

Based on the review and early engagement undertaken by the Commission, the project will be restructured to focus on delivering consolidation and simplification of planning legislation. It will provide recommendations on the terms of simplified and consolidated planning legislation in Wales, so as to replace and integrate existing legislation into a new planning Act or Acts for Wales.

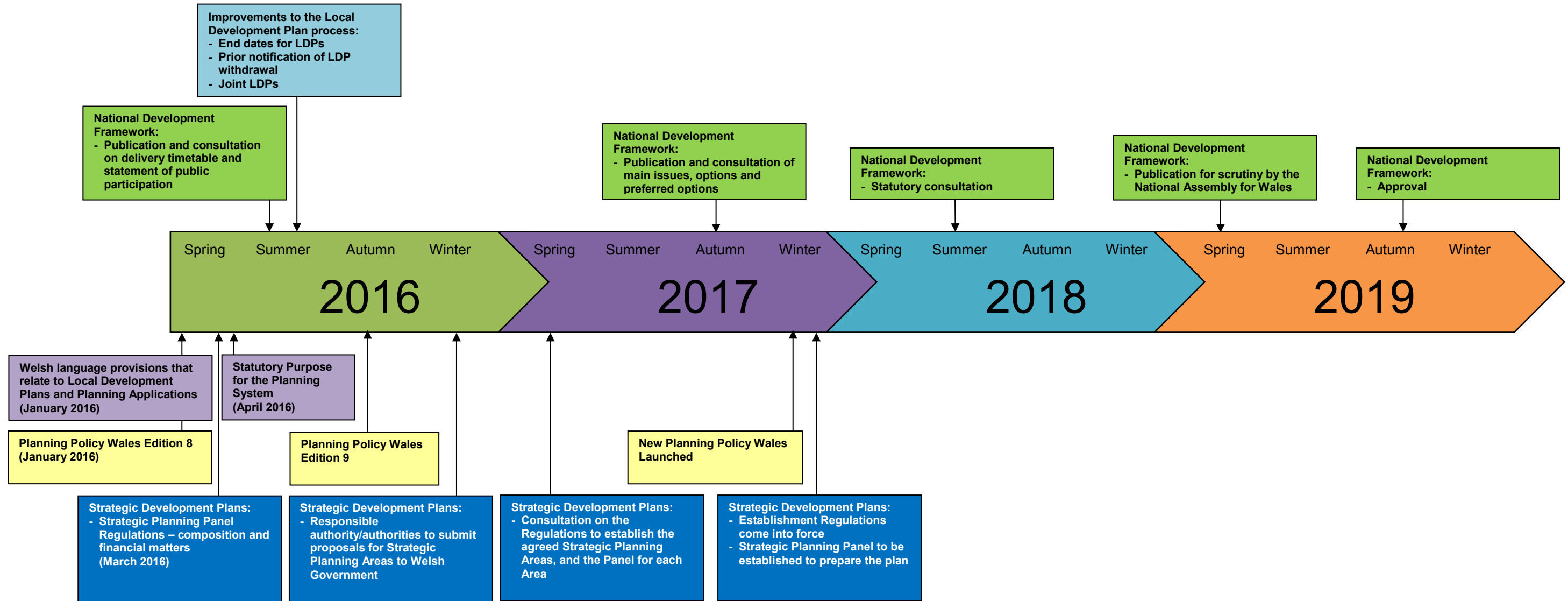
Next Steps

The Law Commission will prepare a scoping paper which will aim to establish the extent of reform needed to the planning legislation in Wales from a simplification and consolidation perspective. The Commission anticipate that the scoping paper will be published in spring 2016 for stakeholder comment. Guided by the responses to this paper, they will then prepare a detailed consultation paper on more specific and detailed proposals.

Positive Planning Implementation Plan Implementation Timeline - Performance and Planning Decisions



Positive Planning Implementation Plan Implementation Timeline – Policy and Plan Making



KEY

