

**LETTER FROM THE PRINCIPAL PRIVATE SECRETARY, FIRST MINISTER  
REQUESTING CONSENT OF THE DUKE OF CORNWALL**

To:

The Principal Private Secretary to The Prince of Wales  
Clarence House  
London  
SW1A 1BA

Dear Sir

**PLANNING (WALES) BILL**

I write in respect of the Planning (Wales) Bill, for which the Consent of the Duke of Cornwall is sought.

**Statutory background**

Section 111(4) of the Government of Wales Act 2006 states:

*“The standing orders must include provision for securing that the Assembly may only pass a Bill containing provisions which would, if contained in a Bill for an Act of Parliament, require the consent of Her Majesty or the Duke of Cornwall if such consent has been signified in standing orders.”*

Standing Order 26.67 of the National Assembly for Wales further states:

*“If a Bill contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government during proceedings on the Bill at a meeting of the Assembly.”*

**Purpose of the Planning (Wales) Bill**

The Planning (Wales) Bill (“the Bill”) comprises a set of comprehensive and integrated provisions intended to reform the operation of the planning system in Wales in support of society’s needs, helping to provide the homes, jobs and infrastructure that we need collectively and individually. The Bill makes a series of changes to existing planning legislation, principally the Town and Country Planning Act 1990 (TCPA) and Planning and Compulsory Purchase Act 2004 (PCPA).

The Bill as amended at Stage 2 of the Assembly process, is made up of 8 Parts and 7 Schedules.

Parts 1 and 8 contain an overview and general provisions.

## OFFICIAL – SENSITIVE: LEGISLATION

Part 2 of the Bill re-focusses the Wales Spatial Plan into a National Development Framework; introduces a new tier of Strategic Development Plans where there are significant planning issues which cross a number of local planning authority (LPA) areas; and ensures that Local Development Plans are prepared and kept up to date.

Part 3 introduces pre-application procedures in Wales. Applicants will be under a new duty, pursuant to section 16 of the Bill, to carry out pre-application consultation in respect of proposed development. Pursuant to section 17 of the Bill, LPAs will be under a duty to provide a pre-application advice service when requested by applicants. Pre-application consultation and the availability of pre-application advice from LPAs should allow problems with proposed applications to be identified and addressed before an application is submitted. The intended result is that once the application is submitted, it will proceed more smoothly and quickly.

Part 4 provides for certain types of applications to be made directly to the Welsh Ministers. It introduces “Development of National Significance” applications for which are, pursuant to section 18 of the Bill, to be made directly to the Welsh Ministers instead of the LPA. Provision is also made for applications for consents which are connected to the Development of National Significance to be made to the Welsh Ministers. Section 22 of the Bill makes provision permitting other applications for planning permission to be made to the Welsh Ministers instead of the LPA in certain circumstances.

Part 5 is about development management. It contains provisions to make the planning applications process consistent and fair whilst reducing complexity and improving transparency in the development management process.

Part 6 is about enforcement, appeals and other planning proceedings. It will enhance the transparency, speed and fairness of the appeal system here in Wales.

Part 7 of the Bill is about town and village greens. It makes provision restricting the circumstances in which applications to register land as a town or village green may be made and about the determination of fees in relation to applications. The intended effect of the provisions in Part 7 is to ensure that planning and town and village green legislation is consistent and compatible and that registration of a town and village green cannot be used to frustrate legitimate objectives. The ability to make a statement ending use of land as of right will encourage landowners to permit recreational use of their land, confident that such use could not give rise to a future claim for registration as a green.

### **How the Bill could affect the Duchy of Cornwall**

The Bill is amending the planning system in Wales. Planning legislation, following changes made in the Planning and Compulsory Purchase Act 2004, binds the Crown. Both the Queen and the Prince of Wales gave their consent to the PCPA and have given their consent to various UK Acts making amendments to the planning system since that Act. The provisions of the Bill will bind the Crown.

## OFFICIAL – SENSITIVE: LEGISLATION

The Bill amends Acts that already bind the Crown (see TCPA s292A, PCPA s111, Planning (Listed Buildings and Conservation Areas) Act 1990 s82A, Planning (Hazardous Substances) Act 1990 s30A, Commons Act 2006 s60). There is an implication that the Crown is bound by the amendments, or the relevant provisions in the Bill amend or refer to provisions about Crown application in a way that makes it clear that the Crown is intended to be bound.

Section 293A of the Town and Country Planning Act 1990 (Urgent Crown Development) relates to land where there is a Crown or a Duchy interest and is amended by the Bill. The provision allows an “appropriate authority” (which includes the Duchy of Cornwall) to make an application for urgent Crown development.

If planning permission is sought for the development of land which belongs to the Duchy of Cornwall, such application will be dealt with in accordance with the planning system in Wales as amended by the Bill.

**Amendments**

Amendments to Parts 2 – 7 of the Bill were agreed by the National Assembly for Wales at Stage 2. Two copies of the Bill as amended at Stage 2 are enclosed for your consideration.

In addition, further amendments have been tabled at Stage 3 which will be considered by the Assembly in Plenary on 5 May 2015. Details of the amendments tabled are also enclosed.

**Consent**

I respectfully ask the Duke of Cornwall for consent, in so far as he may be affected by the Bill. Please be aware that, if granted, consent will need to be signified to the National Assembly for Wales on 12 May 2015, before the question whether the Bill be passed is debated. We would therefore be grateful for a response by midday on 11 May 2015.

Thank you for considering this request and please let us know if we can be of any further assistance to you.

Yours sincerely

**Principal Private Secretary, First Minister**

Enc: Two copies of the Bill

CC: Messrs Farrer and Co., 66 Lincoln’s Inn Fields, London, WC2A 3LH

The Secretary to the Crown Estate Commissioners, 16 New Burlington Place, London, W1S 2HX