



## Planning procedures

### Introduction

The town and country planning system is concerned with regulating the use and development of land and buildings. The planning system in Wales operates at two principal levels; nationally through the Welsh Assembly Government; and locally through local planning authorities (LPAs). The LPAs are the 22 Unitary Authorities and the 3 National Park Authorities.

The law specifies how LPAs should regulate development through the planning system. *Planning Policy Wales* and other Assembly Government policy documents such as Technical Advice Notes (TANs) and Ministerial Interim Planning Policy Statements provide further guidance on land use planning to LPAs. (see Topic Brief on Planning Policy).

### Planning procedures

Planning permission is required for the development or the material change of use of land. Some operations do not constitute development or are considered to be permitted development, whilst some changes of use are not material or are permitted without the need for a planning application.

The Local Planning Authority (LPA) is responsible for determining planning applications. The *Town and Country Planning Act 1990* (TCPA 1990) stipulates the manner in which a LPA may deal with planning applications.

There are two major types of planning permission; outline and full. An application for outline permission is usually to secure approval of proposals for a certain development in principle, with some 'reserved matters' to be the subject of a further application at a later date.

When a planning application is made, requisite notice must be given to certain parties. Most planning applications should be determined within 8 weeks. The eight-week period may be extended by agreement between the applicant and the LPA. Conditions may be imposed on any planning permission.

An applicant can appeal against a refusal of planning permission or against conditions imposed. In the first instance, appeals can be made to the LPA. Depending on the decision, the applicant may also be able to appeal to Welsh Ministers. There is no right of appeal by any other parties affected by the application.

Most planning appeals are determined on behalf of Welsh Ministers by an Inspector employed by the Planning Inspectorate. There are three options for the appeal procedure: the written representation, a hearing, or a public inquiry.

The principal parties to an appeal are the LPA and the appellant (who must be the applicant for planning permission). Other parties may also participate including local residents who object to or support the planning application/appeal and individuals and organisations who may have an interest in the application/appeal and wish to make representations.

Most planning appeals in Wales are determined by Planning Inspectors who will assess all the evidence submitted – whether through written representations, a hearing or a public inquiry – and take a decision in accordance with the development plan, unless material considerations indicate otherwise.

Welsh Ministers have the power to call-in and determine the most important or controversial planning applications and planning appeals in Wales. Previously this role was carried out by a Planning Decision Committee elected by the Assembly.

## Overview of current statutory powers of the Assembly

The *Town and Country Planning Act 1990* and the *Planning and Compulsory Purchase Act 2004*, as amended, are the principal statutory controls over land use in Wales, and are supplemented by other statutes and subordinate legislation.

Welsh Ministers have a wide range of executive functions and secondary legislation-making powers in relation to planning matters that are conferred by these planning Acts. However the making of building regulations for Wales under the *Building Act 1984* is a matter that is currently reserved by the UK Government.

Under the *Government of Wales Act 2006*, the National Assembly for Wales can seek legislative competence through Acts of Parliament or Legislative Competence Orders (LCOs) to make a piece of law in the form of an 'Assembly Measure'. Measures can only be made in a specific policy area (or 'Matter') added to one of the 20 'Fields' (or broad subject areas) which are contained in Schedule 5 of the Act.

As "Town and Country Planning" is Field 18 of Schedule 5 to the Act, the National Assembly for Wales can seek Measure-making powers in this area. There are currently three Matters in this Field.

## Key Welsh Government strategy documents:

- Welsh Government, March 2002, *Planning Policy Wales*:  
<http://new.wales.gov.uk/topics/planning/policy/ppw2002/?lang=en>
- Planning: delivering for Wales:  
<http://new.wales.gov.uk/topics/planning/policy/Pdw/?lang=en>
- Welsh Government, Planning Enforcement Review:  
<http://new.wales.gov.uk/topics/planning/developcontrol/589831/?lang=en>

## Useful links

- Welsh Government website planning development control pages:  
<http://new.wales.gov.uk/topics/planning/developcontrol/?lang=en>
- Planning Inspectorate Wales:  
<http://www.planning-inspectorate.gov.uk/>
- Planning Portal:  
<http://www.planningportal.gov.uk/>
- Royal Town Planning Institute Wales:  
[http://www.rtpi.org.uk/rtpi\\_cymru/](http://www.rtpi.org.uk/rtpi_cymru/)
- Planning Aid Wales:  
<http://www.planningaidwales.org.uk/>
- Welsh Local Government Association:  
<http://www.wlga.gov.uk/>

## Further information

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