



Town and Country Planning

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.

There is also a statutory requirement to produce a Spatial Plan for Wales. Such a plan should set out a strategic framework to guide future development and policy interventions, whether or not these relate to formal land use planning control (see Topic Brief on the Wales Spatial Plan).

LPAs are responsible for determining planning applications and enforcing planning law, and they are required to prepare a Local Development Plan for their area.

Planning Inspectorate Wales, an executive agency of the Welsh Assembly Government, administers and, through appointed independent inspectors, determines most planning appeals.

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 no Matters in this Field.

EU Policy

The European Union has no formal authority for land use or spatial planning, but has adopted the European Spatial Development Perspective in order to influence the development of spatial planning policy in European regions and Member States.

Key Welsh Government documents:

- Welsh Assembly Government, March 2002, *Planning Policy Wales*:
<http://new.wales.gov.uk/topics/planning/policy/ppw2002/?lang=en>
- Welsh Assembly Government, *Technical Advice Notes*:
<http://new.wales.gov.uk/topics/planning/policy/tans/?lang=en>
- Welsh Assembly Government, Planning MIPPs:
<http://new.wales.gov.uk/topics/planning/policy/mipps/?lang=en>
- Index of Planning Policy for Wales:
<http://new.wales.gov.uk/topics/planning/policy/guidance/planpolwalesindex?lang=en>
- Planning: delivering for Wales:
<http://new.wales.gov.uk/topics/planning/policy/Pdw/?lang=en>
- Wales Spatial Plan:
<http://new.wales.gov.uk/about/strategy/spatial/?lang=en>

Useful links

- Welsh Government website planning pages: <http://new.wales.gov.uk/topics/planning/?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/
- Planning Aid Wales: <http://www.planningaidwales.org.uk/>
- Welsh Local Government Association: <http://www.wlga.gov.uk/>

Further information

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