



Planning - Introduction to the Planning System

What is town and country planning?

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.

Planning Policy Wales

The law specifies how LPAs should regulate development through the planning system. *Planning Policy Wales*¹ and other Assembly Government policy documents such as Technical Advice Notes² and Ministerial Interim Planning Policy Statements³ provide further guidance on land use planning to LPAs – See Planning Quick Guide 42: Policy for more information.

Wales Spatial Plan

There is also a statutory requirement under the *Planning and Compulsory Purchase Act 2004*⁴ 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. The Wales Spatial Plan⁵ was adopted by the National Assembly for Wales on 17 November 2004. It covers a 20 year period, although it will be subject to review over that period.

General legislative background

The *Town and Country Planning Act 1947* (now substituted and repealed) introduced the basis of the modern statutory system of land use planning.

The *Town and Country Planning Act 1990*⁶ (TCPA 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.

The majority of executive functions and relevant secondary legislation-making powers contained in the planning Acts were transferred to the National Assembly for Wales by the *National Assembly for Wales (Transfer of Functions) Order 1999*⁷. From May 2007 onwards, as a result of the *Government of Wales Act 2006*, these powers transferred to Welsh Ministers.

¹ Welsh Assembly Government, March 2002, *Planning Policy Wales*.

<http://new.wales.gov.uk/docrepos/40382/4038231121/403821/403828/planningpolicy-e.pdf?lang=en>

² Welsh Assembly Government, *Technical Advice Notes*:

<http://new.wales.gov.uk/about/departments/depc/epcpublications/PlanPubs/TAN/?lang=en>

³ Welsh Assembly Government, Planning MIPPs:

<http://new.wales.gov.uk/about/departments/depc/epcpublications/PlanPubs/MIPPS1/?lang=en>

⁴ *Planning and Compulsory Purchase Act 2004*,

<http://www.lexisnexis.com/uk/legal/results/docview/docview>

⁵ Welsh Assembly Government, *Wales Spatial Plan*, November 2004

<http://new.wales.gov.uk/about/strategy/spatial/sppublications/walesspatial?lang=en>

⁶ *Town and Country Planning Act 1990*, <http://www.lexisnexis.com/uk/legal/results/docview/docview>

⁷ *National Assembly for Wales (Transfer of Functions) Order 1999*, SI 1999/671,

http://www.lexisnexis.com/uk/legal/results/docview/docview.do?start=1&sort=BOOLEAN&format=GNBFULL&risb=21_T1732122592

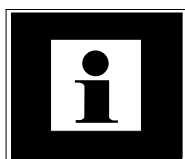


Members' Research Service – QuickGuide Gwasanaeth Ymchwil yr Aelodau – HysbysHwylus

Town and Country Planning is a field in Schedule 5 of the *Government of Wales Act 2006*⁸, which means that the National Assembly for Wales could seek Measure-making powers over planning matters through Legislative Competence Orders.

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. In the First and Second Assembly this role was carried out by a Planning Decision Committee elected by the Assembly.



Further Information:

The statutory provisions cited above may be subject to subsequent amendment(s); the consolidated text of those provisions can be obtained from Butterworths' *LexisNexis* service, access to which can be obtained through the Members' Library.

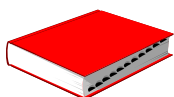
The Welsh Assembly Government planning home page is

<http://new.wales.gov.uk/topics/planning/?lang=en>



More Quick Guides:

[Full list of QuickGuides available from the Members' Research Service](#)



[Glossary of terms](#)

⁸ The *Government of Wales Act 2006*,
<http://www.lexisnexis.com/uk/legal/results/docview>