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Reforming the law  
**Comisiwn y Gyfraith**  
Diwygio'r gyfraith

(Law Com No 383)

# **Planning Law in Wales**

## **Cyfraith Cynllunio yng Nghymru**

### **Final Report**

### **Adroddiad Terfynol**

Presented to Parliament pursuant to section 3(2) of the Law Commissions Act 1965; and presented to the National Assembly for Wales

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The terms of this report were agreed on 6 September 2018.

**The text of this report, and of each chapter in it, is available on the Law Commission's website at [www.lawcommission.gov.uk/planning-law-in-Wales](http://www.lawcommission.gov.uk/planning-law-in-Wales)**

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# GLOSSARY

Advertisement	A sign, placard, board, notice, hoarding, awning, blind, or other object or structure, that is designed or adapted for the purpose of announcement, publicity or direction, and is used wholly or partly for such a purpose (other than a memorial or railway signal).
Ancient Monuments Act	Ancient Monuments and Archaeological Areas Act 1979.
Blight notice	A notice served on a planning authority by the owner of land, requiring the authority to purchase land that has been rendered useless as a result of its allocation in the development plan (or in a similar document).
Breach of condition notice (BCN)	A notice issued by a planning authority requiring the recipient to comply with conditions attached to a planning permission that has been granted for development.
Cadw	The historic environment service of the Welsh Government.
Community Infrastructure Levy (CIL)	A levy imposed on most new development, used to fund local infrastructure (such as parks, sports facilities and police stations), imposed in areas where the planning authority has chosen to charge it.
Certificate of lawfulness of existing use or development (CLEUD)	A certificate issued by the planning authority to the effect that an existing use of land, or development that has been carried out, is immune from enforcement action.
Certificate of lawfulness of proposed use or development (CLOPUD)	A certificate issued by the planning authority to the effect that a proposed use of land, or development that is proposed to be carried out, would not be liable to be the subject of enforcement action.
Compulsory purchase	The acquisition of land, usually by a public authority for a public project, without the consent of the owner, subject to a right of compensation for dispossessed owners and occupiers.
Conservation area	Area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, usually designated as such by the planning authority.
Conservation area consent (CAC)	Consent for the demolition of an unlisted building in a conservation area, in addition to planning permission (failure to obtain consent is a criminal offence).
Development	The carrying out of building, engineering, mining or other operations, or the making of a material change in the use of a building or land.

Development plan	Set of documents produced by the Welsh Ministers and planning authorities, setting out their proposals for future development and providing the policy context for making planning decisions.
Development of National Significance (DNS)	A large infrastructure project of national importance (for example, a wind farm, power station or reservoir), requiring approval by the Welsh Ministers rather than the planning authority.
Development order	Secondary legislation granting planning permission for all development in a specific category (general development order) or for some development in a particular area (special or local development order)
Discontinuance Notice	A requirement by the planning authority that an existing lawful activity or operation or use of land should cease (subject to a right to compensation for those suffering loss).
Environmental impact assessment (EIA)	The assessment of the effect of some more significant public and private projects on the environment, originally required under the relevant EU Directive.
Enforcement notice	A notice issued by a planning authority requiring steps to be taken to remedy the effect of unauthorised development, subject to a right of appeal to the Welsh Ministers (non-compliance with the notice is a criminal offence).
Enterprise zone scheme	Scheme made by the Welsh Ministers, under the Local Government Planning and Land Act 1980, effectively granting planning permission for development specified within it.
Felling licence	A licence from Natural Resources Wales authorising the felling of trees, not required for felling on a small scale or in other exceptional cases.
<i>Grampian</i> condition	A condition attached to a planning permission that prohibits it being implemented until some specified event has occurred.
Listed building	Building included by the Welsh Ministers in a list of buildings of special architectural or historic interest, on the advice of Cadw.
Listed building consent (LBC)	Consent required to demolish a listed building or to alter it in any manner that is likely to affect its character as a building of special interest, in some cases in addition to planning permission (failure to obtain consent is a criminal offence).
Listed Buildings Act	Planning (Listed Buildings and Conservation Areas) Act 1990
Local infrastructure tariff (LIT)	A proposed replacement for the community infrastructure levy, applying a low tariff to most new developments.
Local planning authority (LPA)	See “Planning authority”.

Minerals	All substances of a kind ordinarily worked for removal by underground or surface working, other than peat cut for non-commercial purposes.
National development framework (NDF)	A plan, to be produced by the Welsh Ministers, setting out national policies in relation to the development and use of land in Wales, and specifying the categories of development that constitute development of national significance.
Nationally significant infrastructure project (NSIP)	Major infrastructure project in one of five categories (electricity generating stations, power lines, underground gas storage, pipelines, harbours) requiring development consent from the Secretary of State (not planning permission).
Owner (of land)	Person who would be entitled to receive the rack rent if the land were to be let.
Permitted development	Development, generally minor in character, for which planning permission is granted by a general development order (or, exceptionally, a local development order).
Planning authority	Local authority or national park authority, responsible for producing a development plan and determining applications for planning permission (referred to in legislation as “local planning authority” or “mineral planning authority”).
Planning contravention notice (PCN)	A notice issued by a planning authority requiring the recipient to supply information as to the ownership of land, its use, and activities taking place there, and an explanation as to why those use or activities are not in breach of planning control.
Planning enforcement order	An order, granted by a magistrates’ court on the application of a planning authority, that allows the authority to extend the time limit within which enforcement action can be taken against a breach of planning control that has been deliberately concealed.
Planning Inspectorate (PINS)	Executive agency of the Welsh Ministers, responsible for the determination of called-in applications and appeals, and the holding of inquiries into draft development plans.
Planning permission	Approval granted by the planning authority or the Welsh Ministers for the carrying out of development.
Planning Policy Wales (PPW)	National planning policy, issued by the Welsh Government following consultation – Edition 9, issued November 2016; Edition 10, in preparation.
Pre-commencement condition	A condition attached to a planning permission requiring that certain details of the development are approved, or some other action is taken, before the development is started (or possibly before the building is occupied).

Purchase Notice	A notice served by the owner of land on a planning authority, requiring it to purchase land that has been rendered useless as a result of a planning decision.
Rack rent	Rent representing the full open market annual value of a property, or the market rent.
Scheduled monument	An ancient monument included by the Welsh Ministers in the schedule of monuments under the Ancient Monuments Act.
Scheduled monument consent	Consent needed to demolish or carry almost any works affecting a scheduled monument, obtained from the Welsh Ministers.
Simplified planning zone (SPZ)	Area within which planning permission is granted by a simplified planning zone scheme for development within specified classes.
Statutory undertaker	Public body undertaking the provision of certain public services, including railways, roads, air traffic, canals, docks and harbours, gas, electricity, highways.
Stop notice	A notice issued by a planning authority at the same time as or immediately after the issue of an enforcement notice, requiring unauthorised development to cease immediately.
Technical Advice Note (TAN)	Detailed advice produced by the Welsh Government on a range of topics.
Temporary stop notice (TSN)	A notice served by a planning authority requiring the recipient to cease immediately development appearing to be in breach of planning control.
Tree preservation order (TPO)	An order made by a planning authority to protect specific trees, groups of trees or woodlands in the interests of amenity.
Urban development corporation	An organisation set up by the Welsh Ministers to bring about the development of an urban area.
<i>Whitley principle</i>	The principle that a failure to implement a pre-commencement condition that goes to the heart of the permission renders invalid any purported commencement of the development.

## OTHER ABBREVIATIONS

CBC	County Borough Council
CC	County Council
CLA	Country Land and Business Association
DC	District Council
DMP(W)O	Town and Country Planning (Development Management Procedure) (Wales) Order
ECHR	European Convention on Human Rights
GPDO	Town and Country Planning (General Permitted Development) Order
HE(W)A	Historic Environment (Wales) Act
MPA	Mineral Products Association
NRW	Natural Resources Wales
PEBA	Planning and Environmental Bar Association
PCPA	Planning and Compulsory Purchase Act
POSW	Planning Officers Society (Wales)
P(W)A	Planning (Wales) Act
RICS	Royal Institution of Chartered Surveyors
RTPI	Royal Town Planning Institute
TCP	Town and Country Planning
TCPA	Town and Country Planning Act

# THE LAW COMMISSION

## PLANNING LAW IN WALES

*To the Right Honourable David Gauke, MP, Lord Chancellor and Secretary of State  
for Justice*