



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 6 **E+W**

WALES

[^{F1}National Development Framework]

Textual Amendments

- F1** Ss. 60-60C and crossheading substituted for s. 60 and crossheading (6.9.2015 for specified purposes, 4.1.2016 for the substitution of ss. 60, 60A, 60B so far as not already in force, 4.12.2020 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 3, 58\(2\)\(b\)\(4\)\(b\)](#); [S.I. 2015/1987](#), art. 2 (with art. 7); [S.I. 2020/1216](#), reg. 2(a)

[^{F1}60 National Development Framework for Wales **E+W**

- (1) There must be a plan, prepared and published by the Welsh Ministers, to be known as the National Development Framework for Wales.
- (2) The Framework must set out such of the policies of the Welsh Ministers in relation to the development and use of land in Wales as the Welsh Ministers consider appropriate.
- (3) The Framework may specify that development of a particular description, in a particular area or location, is to constitute development of national significance for the purposes of section 62D of the principal Act (development of national significance: applications to be made to Welsh Ministers).
- (4) The Framework must give reasons for—
 - (a) the policies that it sets out, and
 - (b) any provision that it makes as mentioned in subsection (3).

Status: Point in time view as at 04/12/2020.

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- (5) The Framework must explain how, in preparing the Framework, the Welsh Ministers have taken into account relevant policies set out in—
- [the national natural resources policy published under section 9 of the Environment (Wales) Act 2016,]
- ^{F2}(za) (a) any marine plan adopted and published by them under Part 3 of the Marine and Coastal Access Act 2009, and
- (b) the Wales Transport Strategy published under section 2 of the Transport (Wales) Act 2006.
- (6) The Framework must specify the period for which it is to have effect.
- (7) A plan ceases to be the National Development Framework for Wales on the expiry of the period specified under subsection (6).]

Textual Amendments

F2 S. 60(5)(za) inserted (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), [Sch. 2 para. 8\(2\)](#)

[^{F1}60A Preparation of Framework: statement of public participation **E+W**

- (1) The Welsh Ministers must prepare and publish a statement of public participation setting out their policies relating to the consultation to be carried out in preparing the National Development Framework for Wales.
- (2) In particular, the statement must include provision about—
- (a) the form that the consultation will take,
- (b) when the consultation will take place, and
- (c) the steps that will be taken to involve members of the public in the preparation of the Framework.
- (3) The statement must provide that, as part of the consultation, the Welsh Ministers will—
- (a) publish a draft of the Framework, and
- (b) allow a period of 12 weeks beginning with the publication of the draft Framework during which any person may make representations with regard to the draft.
- (4) The Welsh Ministers may revise the statement, and must publish the statement as revised.

60B Procedure for preparation and publication of Framework **E+W**

- (1) Before publishing the National Development Framework for Wales, the Welsh Ministers must—
- (a) prepare a draft of the Framework,
- (b) carry out an appraisal of the sustainability of the policies set out in the draft, and
- (c) carry out consultation in accordance with the statement of public participation.
- (2) The appraisal under subsection (1)(b) must include an assessment of the likely effects of the policies in the draft Framework on the use of the Welsh language.

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- (3) If, after complying with subsection (1), the Welsh Ministers wish to proceed with the draft of the Framework (with or without changes), they must lay before the National Assembly for Wales—
 - (a) the draft, and
 - (b) a report which—
 - (i) summarises the representations they received during the consultation carried out under subsection (1)(c), and
 - (ii) explains how they have taken the representations into account.
- (4) The Welsh Ministers must have regard to—
 - (a) any resolution passed by the National Assembly for Wales with regard to the draft Framework during the Assembly consideration period, and
 - (b) any recommendation made by a committee of the National Assembly with regard to the draft during that period.
- (5) After the expiry of the Assembly consideration period, the Welsh Ministers—
 - (a) may publish the National Development Framework for Wales in the terms of the draft laid under subsection (3), or
 - (b) if they propose to make changes to that draft, may—
 - (i) lay before the National Assembly for Wales an amended draft of the Framework, and
 - (ii) publish the National Development Framework for Wales in the terms of the amended draft.
- (6) If any resolution was passed or any recommendation was made as mentioned in subsection (4), the Welsh Ministers must also, not later than the day on which the Framework is published, lay before the National Assembly for Wales a statement explaining how they have had regard to the resolution or recommendation.
- (7) In this section, “the Assembly consideration period” means the period of 60 days beginning with the day on which a draft of the Framework is laid before the National Assembly for Wales under subsection (3), disregarding any time when the National Assembly is dissolved or is in recess for more than four days.

60C Review and revision of Framework E+W

- (1) The Welsh Ministers must keep the National Development Framework for Wales under review.
- (2) The Welsh Ministers may revise the Framework at any time, and must publish the Framework as revised.
- (3) Sections 60A and 60B apply for the purposes of the revision of the Framework, as if references to the Framework (or a draft of the Framework) were references to the Framework as revised (or a draft of the Framework as revised).
- (4) Subsection (5) applies if the Welsh Ministers, having published a draft of a revised Framework in accordance with the statement of public participation, decide not to proceed with the revision of the Framework.
- (5) The Welsh Ministers must—
 - (a) publish notice of their decision and the reasons for it, and

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- (b) if a draft of a revised Framework has been laid before the National Assembly for Wales under section 60B(3), lay a copy of the notice before the National Assembly.
- (6) Subsection (7) applies if—
 - (a) a review period ends, and
 - (b) the Welsh Ministers have not, within that period—
 - (i) published a revised Framework, or
 - (ii) laid a draft revised Framework before the National Assembly for Wales under section 60B(3).
- (7) As soon as reasonably practicable after the end of the review period, the Welsh Ministers must publish and lay before the National Assembly for Wales a statement—
 - (a) setting out their assessment of whether the Framework should be revised and giving reasons for that assessment, and
 - (b) if they consider that the Framework should be revised, setting out a timetable for its revision.
- (8) For the purposes of subsections (6) and (7)—
 - (a) the first review period—
 - (i) begins with the day on which the Framework is first published, and
 - (ii) ends with the fifth anniversary of the day on which the Framework is first published or, if earlier, with the day on which a revised Framework is published;
 - (b) each subsequent review period—
 - (i) begins with the day after the last day of the preceding review period, and
 - (ii) ends with the fifth anniversary of the last day of the preceding review period or, if earlier, with the day on which a revised Framework is published.]

[^{F3}Strategic planning

Textual Amendments

- F3** Ss. 60D-60G and cross-heading inserted (6.9.2015 for specified purposes, 5.10.2015 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 4(1)**, 58(2)(b)(4)(b); S.I. 2015/1736, art. 2(a)

60D Power to designate strategic planning area and establish strategic planning panel **E+W**

- (1) The Welsh Ministers may by regulations—
 - (a) designate an area in Wales as a strategic planning area for the purposes of this Part, and
 - (b) establish a strategic planning panel for that area.
- (2) A strategic planning area must comprise—
 - (a) all of the area of one local planning authority, and
 - (b) all or part of the area of at least one other local planning authority.

Status: Point in time view as at 04/12/2020.

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- (3) The Welsh Ministers must not make regulations under this section unless—
 - (a) they have given a direction under section 60E(1) to a local planning authority all or part of whose area is included in the strategic planning area to be designated by the regulations,
 - (b) either—
 - (i) a proposal for an area to be designated has been submitted in accordance with section 60E(6), or
 - (ii) the period for complying with section 60E(6) has ended without a proposal being submitted, and
 - (c) they have carried out any consultation required by section 60F(1).
- (4) Paragraphs (a) and (b) of subsection (3) do not apply in relation to regulations that revoke or amend previous regulations under this section.
- (5) Schedule 2A contains provisions about strategic planning panels.

60E Preparation and submission of proposal for strategic planning area E+W

- (1) The Welsh Ministers may direct one or more local planning authorities to submit a proposal for an area to be designated as a strategic planning area under section 60D.
- (2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.
- (3) In this section, the “responsible authority” means—
 - (a) where a direction under subsection (1) is given to a single local planning authority, that authority;
 - (b) where a direction under subsection (1) is given to two or more local planning authorities, those authorities acting jointly.
- (4) The responsible authority must prepare a proposal for an area to be designated as a strategic planning area.
- (5) Before submitting the proposal to the Welsh Ministers, the responsible authority must consult—
 - (a) each local planning authority, other than one to which the direction under subsection (1) was given, for an area all or part of which is included in the proposed strategic planning area, and
 - (b) any other persons specified in, or of a description specified in, the direction.
- (6) The responsible authority must submit to the Welsh Ministers—
 - (a) the proposal, and
 - (b) a report about the consultation carried out under subsection (5).
- (7) A proposal submitted under subsection (6)(a) must include—
 - (a) a map showing the boundaries of the area which the responsible authority propose should be designated as a strategic planning area,
 - (b) a statement of the reasons for proposing that area, and
 - (c) any other information specified by the Welsh Ministers in the direction given under subsection (1).
- (8) The responsible authority must comply with subsection (6)—

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- (a) before the end of any period specified in the direction;
 - (b) if no period is specified in the direction, before the end of six months beginning with the day on which the direction is given.
- (9) The Welsh Ministers may agree to extend the period for complying with subsection (6) in a particular case.
- (10) The responsible authority must comply with any requirements set out in the direction as to—
- (a) how the consultation required by subsection (5) must be carried out;
 - (b) the form and content of the report about the consultation;
 - (c) how the proposal and the report must be submitted under subsection (6).
- (11) Subsection (12) applies if the Welsh Ministers, having given a direction under subsection (1), decide not to designate a strategic planning area.
- (12) The Welsh Ministers must give notice of their decision and the reasons for it—
- (a) to the responsible authority, and
 - (b) if a proposal has been submitted under subsection (6), to each authority within subsection (5)(a).

60F Consultation by Welsh Ministers before making certain regulations under section 60D E+W

- (1) If the Welsh Ministers propose to make regulations under section 60D to which this section applies, they must consult—
- (a) each relevant local planning authority, and
 - (b) any other persons they consider appropriate.
- (2) This section applies to regulations under section 60D if the Welsh Ministers have given a direction under section 60E(1) and—
- (a) the boundaries of the strategic planning area that would be designated by the regulations are different from the boundaries of the area proposed under section 60E(6) pursuant to the direction, or
 - (b) the period for complying with section 60E(6) has ended without a proposal being submitted.
- (3) This section also applies to regulations under section 60D revoking or amending previous regulations under that section.
- (4) A local planning authority is a relevant local planning authority in relation to regulations to which this section applies if all or part of the authority's area is included in—
- (a) the strategic planning area that would be designated by the regulations, or
 - (b) a strategic planning area designated by previous regulations under section 60D that would be revoked or amended by the regulations.

60G Provision of information to Welsh Ministers E+W

A local planning authority must provide the Welsh Ministers with any information that the Welsh Ministers request for the purpose of exercising their functions under sections 60D to 60F.]

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[^{F4}60H Strategic planning area: survey **E+W**

- (1) A strategic planning panel must keep under review the matters which may be expected to affect the development of its strategic planning area or the planning of the development of that area.
- (2) Subsections (2) to (5) of section 61 apply in relation to a strategic planning panel as they apply in relation to a local planning authority.
- (3) In subsections (2) to (5) of section 61 as they apply by virtue of subsection (2)—
 - (a) references to a local planning authority are to be construed as references to a strategic planning panel;
 - (b) references to a neighbouring area are to be construed as references to a neighbouring strategic planning area.]

Textual Amendments

- F4** S. 60H inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 5, 58(2)(b)(4)(b)**

[^{F5}60I Strategic development plan **E+W**

- (1) A strategic planning panel must prepare a plan for its strategic planning area, to be known as a strategic development plan.
- (2) The plan must set out—
 - (a) the panel's objectives in relation to the development and use of land in its area;
 - (b) the panel's policies for the implementation of those objectives.
- (3) A strategic development plan must be in general conformity with the National Development Framework for Wales.
- (4) The plan must specify the period for which it is to have effect.
- (5) The Welsh Ministers may by regulations make provision about—
 - (a) the period that may be specified under subsection (4);
 - (b) the form and content of the plan.
- (6) In preparing a strategic development plan, the strategic planning panel must have regard to—
 - (a) current national policies;
 - (b) the National Development Framework for Wales;
 - (c) the strategic development plan for any strategic planning area that adjoins the panel's area;
 - (d) the local development plan for each area all or part of which is included in the panel's area;
 - (e) the resources likely to be available for implementing the strategic development plan;
 - (f) any other matters prescribed by the Welsh Ministers in regulations.
- (7) The panel must also—
 - (a) carry out an appraisal of the sustainability of the plan;

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- (b) prepare a report of the findings of the appraisal.
- (8) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the strategic planning area.
- (9) A plan is a strategic development plan only in so far as it is—
 - (a) adopted by resolution of the strategic planning panel as a strategic development plan, or
 - (b) approved by the Welsh Ministers under section 65 or 71 (as they apply by virtue of section 60J).
- (10) The plan ceases to be a strategic development plan on the expiry of the period specified under subsection (4).

Textual Amendments

F5 Ss. 60I, 60J inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 6**, [58\(2\)\(b\)\(4\)\(b\)](#)

60J Strategic development plan: application of provisions of this Part E+W

- (1) The provisions specified in subsection (3) apply in relation to a strategic development plan as they apply in relation to a local development plan.
- (2) Accordingly, where a provision specified in subsection (3) confers power for the Welsh Ministers to make provision by regulations in respect of a local development plan, that power is also exercisable so as to make provision in respect of a strategic development plan.
- (3) The provisions are sections 63 to 68, 68A(1), 69 to 71, 73 and 75 to 77.
- (4) In those provisions as they apply by virtue of subsection (1)—
 - (a) references to a local planning authority are to be construed as references to a strategic planning panel;
 - (b) references to a local development plan are to be construed as references to a strategic development plan.
- (5) In section 64(5)(a) as it applies by virtue of this section, the reference to section 62 is to be construed as a reference to section 60I.
- (6) In section 77(2)(a) as it applies by virtue of this section, the reference to section 62(6) is to be construed as a reference to section 60I(7).]

Textual Amendments

F5 Ss. 60I, 60J inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 6**, [58\(2\)\(b\)\(4\)\(b\)](#)

Status: Point in time view as at 04/12/2020.

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Survey

61 Survey **E+W**

- (1) The local planning authority must keep under review the matters which may be expected to affect the development of their area or the planning of its development.
- (2) These matters include—
 - (a) the principal physical, economic, social and environmental characteristics of the area of the authority [^{F6}(including the extent to which the Welsh language is used in the area)] ;
 - (b) the principal purposes for which land is used in the area;
 - (c) the size, composition and distribution of the population of the area;
 - (d) the communications, transport system and traffic of the area;
 - (e) any other considerations which may be expected to affect those matters;
 - (f) such other matters as may be prescribed or as the Assembly in a particular case may direct.
- (3) These matters also include—
 - (a) any changes which the authority think may occur in relation to any other matter;
 - (b) the effect such changes are likely to have on the development of the authority's area or on the planning of such development.
- (4) The local planning authority may also keep under review and examine the matters mentioned in subsections (2) and (3) in relation to any neighbouring area to the extent that those matters may be expected to affect the area of the authority.
- (5) In exercising a function under subsection (4) a local planning authority must consult the local planning authority for the neighbouring area in question.
- (6) If a neighbouring area is in England references to the local planning authority for that area must be construed in accordance with Part 2.

Textual Amendments

- F6** Words in s. 61(2)(a) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 11(2), 58(2)(b)(4)(b)**; [S.I. 2015/1987](#), **art. 3(a)**

Commencement Information

- II** S. 61 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), **art. 2(a)**

Plans

62 Local development plan **E+W**

- (1) The local planning authority must prepare a plan for their area to be known as a local development plan.
- (2) The plan must set out—

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- (a) the authority's objectives in relation to the development and use of land in their area;
 - (b) their general policies for the implementation of those objectives.
- (3) The plan may also set out specific policies in relation to any part of the area of the authority.
- [^{F7}(3A) The plan must be in general conformity with—
- (a) the National Development Framework for Wales, and
 - (b) the strategic development plan for any strategic planning area that includes all or part of the area of the authority.]
- [^{F8}(3B) The plan must specify the period for which it is to have effect.]
- (4) Regulations under this section may [^{F9}—
- (a) make provision about the period that may be specified under subsection (3B);
 - (b)] prescribe the form and content of the plan.
- (5) In preparing a local development plan the authority must have regard to—
- (a) current national policies;
 - (b) [^{F10}the National Development Framework for Wales;
 - (ba) the strategic development plan for any strategic planning area that—
 - (i) includes all or part of the area of the authority, or
 - (ii) adjoins that area;]
 - [^{F11}(bb) any area statement published under section 11 of the Environment (Wales) Act 2016 for an area that includes all or part of the area of the authority;]
 - (c) the RSS for any region which adjoins the area of the authority;
 - [^{F12}(d) any relevant [^{F13}local well-being plan];]
 - (f) the resources likely to be available for implementing the plan;
 - (g) such other matters as the Assembly prescribes.
- (6) The authority must also—
- (a) carry out an appraisal of the sustainability of the plan;
 - (b) prepare a report of the findings of the appraisal.
- [^{F14}(6A) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area of the authority.]
- [^{F15}(7) A local well-being plan is relevant if it has been published under section 39 or 44(5) of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) by—
- (a) in the case of an authority which is a county council or county borough council, the public services board of which that authority is a member;
 - (b) in the case of an authority which is a National Park Authority, the public services board for an area that includes any part of that authority's area.]
- (8) A plan is a local development plan only in so far as it—
- (a) is adopted by resolution of the local planning authority as a local development plan;
 - (b) is approved by the Assembly under section 65 or 71.
- [^{F16}(9) A plan ceases to be a local development plan on the expiry of the period specified under subsection (3B).]

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Textual Amendments

- F7** S. 62(3A) inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 7(1)**, 58(2)(b)(4)(b); S.I. 2020/1216, **reg. 2(a)**
- F8** S. 62(3B) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 12(2)**, 58(2)(b)(4)(b); S.I. 2015/1987, **art. 3(b)**
- F9** Words in s. 62(4) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 12(3)**, 58(2)(b)(4)(b); S.I. 2015/1987, **art. 3(b)**
- F10** S. 62(5)(b)(ba) substituted for s. 62(5)(b) (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 2 para. 25**; S.I. 2020/1216, **reg. 2(b)**
- F11** S. 62(5)(bb) inserted (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), **Sch. 2 para. 8(3)**
- F12** S. 62(5)(d) substituted for s. 62(5)(d)(e) (1.1.2010) by [Local Government \(Wales\) Measure 2009 \(nawm 2\)](#), s. 53(2), **Sch. 2 para. 5** (with Sch. 3 paras. 3-9); S.I. 2009/3272, **art. 2**, Sch. 1
- F13** Words in s. 62(5)(d) substituted (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), s. 56(2), **Sch. 4 para. 9**; S.I. 2016/86, **art. 3**
- F14** S. 62(6A) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 11(3)**, 58(2)(b)(4)(b); S.I. 2015/1987, **art. 3(a)** (with art. 6)
- F15** S. 62(7) substituted (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), s. 56(2), **Sch. 4 para. 10**; S.I. 2016/86, **art. 3**
- F16** S. 62(9) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 12(4)**, 58(2)(b)(4)(b); S.I. 2015/1987, **art. 3(b)**

Modifications etc. (not altering text)

- C1** S. 62(2)(b) modified (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), **regs. 1(2)**, **39(1)(b)** (with **reg. 125**)

Commencement Information

- I2** S. 62(1)-(3)(5)(a)-(f)(6)-(8) in force at 30.4.2005 by S.I. 2005/1229, **art. 2(a)** (with **art. 4**, **Sch.**) (which transitional provisions in art. 4 are revoked (15.10.2005) by S.I. 2005/2722, **art. 4**)
- I3** S. 62(4)(5)(g) in force at 1.8.2004 by S.I. 2004/1813, **art. 2(a)**

63 Preparation requirements **E+W**

- (1) A local development plan must be prepared in accordance with—
 - (a) the local planning authority's community involvement scheme;
 - (b) the timetable for the preparation and adoption of the authority's local development plan.
- (2) The authority's community involvement scheme is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under this Part of the persons to which subsection (3) applies.
- (3) The persons mentioned in subsection (2)—
 - (a) must include such persons as the Assembly prescribes;
 - (b) may include such other persons as appear to the authority to have an interest in matters relating to development in the area of the authority.
- (4) The authority and the Assembly must attempt to agree the terms of the documents mentioned in paragraphs (a) and (b) of subsection (1).

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- (5) But to the extent that the Assembly and the authority cannot agree the terms the Assembly may direct that the documents must be in the terms specified in the direction.
- (6) The authority must comply with the direction.
- (7) The Assembly may prescribe—
 - (a) the procedure in respect of the preparation of the documents mentioned in paragraphs (a) and (b) of subsection (1);
 - (b) the form and content of the documents;
 - (c) the time at which any step in the preparation of the documents must be taken;
 - (d) publicity about the documents;
 - (e) making the documents available for inspection by the public;
 - (f) circumstances in which the requirements of the documents need not be complied with.

Commencement Information

- I4** S. 63(1)(2)(3)(b)(4)-(6) in force at 30.4.2005 by [S.I. 2005/1229](#), **art. 2(b)** (with [art. 4](#), [Sch.](#)) (which transitional provisions in art. 4 are revoked (15.10.2005) by [S.I. 2005/2722](#), art. 4)
- I5** S. 63(3)(a)(7) in force at 1.8.2004 by [S.I. 2004/1813](#), **art. 2(b)**

64 Independent examination **E+W**

- (1) The local planning authority must submit their local development plan to the Assembly for independent examination.
- (2) But the authority must not submit a plan unless—
 - (a) they have complied with any relevant requirements contained in regulations under this Part, and
 - (b) they think the plan is ready for independent examination.
- (3) The authority must also send to the Assembly (in addition to the local development plan) such other documents (or copies of documents) and such information as is prescribed.
- (4) The examination must be carried out by a person appointed by the Assembly.
- (5) The purpose of the independent examination is to determine in respect of a local development plan—
 - (a) whether it satisfies the requirements of sections 62 and 63 and of regulations under section 77;
 - (b) whether it is sound.
- (6) Any person who makes representations seeking to change a local development plan must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.
- (7) The person appointed to carry out the examination must—
 - (a) make recommendations;
 - (b) give reasons for the recommendations.
- (8) The local planning authority must publish the recommendations and the reasons.

Status: Point in time view as at 04/12/2020.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 6 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- 16** S. 64 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by S.I. 2005/2722, art. 2(b)

65 Intervention by Assembly **E+W**

- (1) If the Assembly thinks that a local development plan is unsatisfactory—
 - (a) it may at any time before the plan is adopted by the local planning authority direct them to modify the plan in accordance with the direction;
 - (b) if it gives such a direction it must state its reasons for doing so.
- (2) The authority—
 - (a) must comply with the direction;
 - (b) must not adopt the plan unless the Assembly gives notice that it is satisfied that they have complied with the direction.
- (3) But subsection (2) does not apply if the Assembly withdraws the direction.
- (4) At any time before a local development plan is adopted by a local planning authority the Assembly may direct that the plan is submitted to it for its approval.
- (5) The following paragraphs apply if the Assembly gives a direction under subsection (4)—
 - (a) the authority must not take any step in connection with the adoption of the plan until the Assembly gives its decision;
 - (b) if the direction is given before the authority have submitted the plan under section 64(1) the Assembly must hold an independent examination and section 64(4) to (7) applies accordingly;
 - (c) if the direction is given after the authority have submitted the plan the person appointed to carry out the examination must make his recommendations to the Assembly;
 - (d) the plan has no effect unless it has been approved by the Assembly.
- (6) The Assembly must publish the recommendations made to it by virtue of subsection (5)(b) or (c) and the reasons of the person making the recommendations.
- (7) In considering a plan submitted under subsection (4) the Assembly may take account of any matter which it thinks is relevant.
- (8) It is immaterial whether any such matter was taken account of by the authority.
- (9) The Assembly—
 - (a) may approve, approve subject to specified modifications or reject a plan submitted to it under subsection (4);
 - (b) must give reasons for its decision under paragraph (a).
- (10) In the exercise of any function under this section the Assembly must have regard to the documents mentioned in paragraphs (a) and (b) of section 63(1).

Status: Point in time view as at 04/12/2020.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 6 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I7** S. 65 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by S.I. 2005/2722, art. 2(c)

[^{F17}66] **Withdrawal of local development plan in accordance with direction** E+W

- (1) The Welsh Ministers may, at any time before a local development plan is adopted under section 67, direct the local planning authority to withdraw the plan.
- (2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.
- (3) The authority must withdraw the plan in accordance with the direction.]

Textual Amendments

- F17** Ss. 66, 66A substituted for s. 66 (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 13, 58(2)(b)(4)(b)**; S.I. 2015/1987, art. 3(c)

[^{F17}66A] **Withdrawal of local development plan in absence of direction** E+W

- (1) This section applies where a local planning authority are not required to withdraw their local development plan under section 66.
- (2) Subject to the provisions of this section, the authority may withdraw the plan at any time before adopting it under section 67.
- (3) A local planning authority may not withdraw their local development plan when the Welsh Ministers have—
 - (a) directed the authority to submit the plan for approval under section 65(4), or
 - (b) taken any step under section 71 in connection with the plan.
- (4) A local planning authority may withdraw a local development plan that has been submitted for independent examination under section 64 only if—
 - (a) the person carrying out the independent examination recommends that the plan is withdrawn, and
 - (b) the recommendation is not overruled by a direction given by the Welsh Ministers.
- (5) A local planning authority may withdraw a local development plan to which subsection (6) applies only if—
 - (a) the authority have given notice to the Welsh Ministers of their intention to withdraw the plan, and
 - (b) the notice period has expired.
- (6) This subsection applies to a local development plan if the local planning authority—
 - (a) have not yet submitted the plan for independent examination under section 64, but
 - (b) have taken steps in connection with the preparation of the plan that are specified in regulations made by the Welsh Ministers.

Status: Point in time view as at 04/12/2020.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 6 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (7) Where a local planning authority have given notice under subsection (5)(a), the Welsh Ministers may, by direction to the authority, do either or both of the following—
- (a) require the authority to provide further information;
 - (b) extend the notice period.
- (8) The Welsh Ministers may by regulations make provision about the giving of notices and directions under this section (including provision about their form and content and how they are to be given).
- (9) Subject to any direction given under subsection (7)(b) in a particular case, the “notice period” means whatever period, beginning with the giving of notice under subsection (5)(a), is specified in regulations made by the Welsh Ministers].

Textual Amendments

- F17** Ss. 66, 66A substituted for s. 66 (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 13, 58(2)(b)(4)(b)**; [S.I. 2015/1987](#), art. 3(c)

67 Adoption of local development plan **E+W**

- (1) The local planning authority may adopt a local development plan as originally prepared if the person appointed to carry out the independent examination of the plan recommends that the plan as originally prepared is adopted.
- (2) The authority may adopt a local development plan with modifications if the person appointed to carry out the independent examination of the plan recommends the modifications.
- (3) A plan is adopted for the purposes of this section if it is adopted by resolution of the authority.
- (4) But the authority must not adopt a local development plan if the Assembly directs them not to do so.

Commencement Information

- I8** S. 67 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), art. 2(e)

68 Revocation of local development plan **E+W**

The Assembly may at any time revoke a local development plan at the request of the local planning authority.

Commencement Information

- I9** S. 68 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), art. 2(f)

Status: Point in time view as at 04/12/2020.

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[^{F18}68A Duty to consider whether to review local development plan **E+W**

- (1) Following the publication of the National Development Framework for Wales or a revised Framework, a local planning authority must consider whether to carry out a review of their local development plan.
- (2) Following the adoption or approval of a strategic development plan or revised strategic development plan for a strategic planning area, a local planning authority for an area all or part of which is included in the strategic planning area must consider whether to carry out a review of their local development plan.]

Textual Amendments

F18 S. 68A inserted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 8(1)**, 58(2)(b)(4)(b); S.I. 2020/1216, **reg. 2(a)**

69 Review of local development plan **E+W**

- (1) A local planning authority must carry out a review of their local development plan ^{F19}—.
 - (a) if, after consideration under section 68A, they think that the plan should be reviewed, and
 - (b) at such other times as the Welsh Ministers prescribe].
- (2) The authority must report to the Assembly on the findings of their review.
- (3) A review must—
 - (a) be in such form as is prescribed;
 - (b) be published in accordance with such requirements as are prescribed.

Textual Amendments

F19 S. 69(1)(a)(b) substituted for words (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 8(2)**, 58(2)(b)(4)(b); S.I. 2020/1216, **reg. 2(a)**

Commencement Information

I10 S. 69 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), **art. 2(g)**

70 Revision of local development plan **E+W**

- (1) The local planning authority may at any time prepare a revision of a local development plan.
- (2) The authority must prepare a revision of a local development plan—
 - (a) if the Assembly directs them to do so;
 - (b) if, following a review under section 69, they think that the plan should be revised.
- (3) This Part applies to the revision of a local development plan as it applies to the preparation of the plan.

Status: Point in time view as at 04/12/2020.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 6 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- II1** S. 70 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722, art. 2\(h\)](#)

71 Assembly's default power **E+W**

- (1) This section applies if the Assembly thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a local development plan.
- (2) The Assembly must hold an independent examination and section 64(4) to (7) applies accordingly.
- (3) The Assembly must publish the recommendations and reasons of the person appointed to hold the examination.
- (4) The Assembly may—
 - (a) prepare or revise (as the case may be) the plan, and
 - (b) approve the plan as a local development plan.
- (5) The Assembly must give reasons for anything it does in pursuance of subsection (4).
- (6) The authority must reimburse the Assembly for any expenditure it incurs in connection with anything—
 - (a) which is done by it under subsection (4), and
 - (b) which the authority failed or omitted to do as mentioned in subsection (1).

Commencement Information

- II2** S. 71 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722, art. 2\(i\)](#)

72 Joint local development plans **E+W**

- [^{F20}(A1) The Welsh Ministers may direct two or more local planning authorities to prepare a joint local development plan.
- (A2) But a direction under subsection (A1) may not be given to a National Park authority.]
- (1) Two or more local planning authorities may [^{F21}, in the absence of a direction to any of them under subsection (A1),] agree to prepare a joint local development plan.
- [^{F22}(1A) If the Welsh Ministers give a direction under subsection (A1), they must state their reasons for doing so.
- (1B) The authorities to which a direction is given must, subject to any withdrawal or variation of the direction, act jointly in exercising their functions under this Part relating to local development plans.]
- (2) This Part applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a joint local development plan as it applies for the purposes of the

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preparation, revision, adoption, withdrawal and revocation of a local development plan.

- (3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a local development plan must be done by or in relation to each of the authorities mentioned in subsection [F23(A1) or] (1) in connection with a joint local development plan.
- (4) Subsections (5) to (7) apply if [F24—
- (a) the Welsh Ministers withdraw a direction under subsection (A1) or vary such a direction so that it ceases to apply to a local planning authority, or
 - (b)] a local planning authority withdraw from an agreement mentioned in subsection (1).
- (5) Any step taken in relation to the plan must be treated as a step taken by—
- (a) an authority [F25to which the direction was given or] which was a party to the agreement for the purposes of any corresponding plan prepared by them;
 - (b) two or more other authorities [F26to which the direction was given or which] were parties to the agreement for the purposes of any corresponding joint local development plan.
- (6) Any independent examination of a local development plan to which the [F27direction or] agreement relates must be suspended.
- (7) If before the end of the period prescribed for the purposes of this subsection an authority [F28to which the direction was given or] which was a party to the agreement requests the Assembly to do so it may direct that—
- (a) the examination is resumed in relation to the corresponding plan;
 - (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- [F29(7A) The Welsh Ministers may by regulations—
- (a) specify circumstances in which subsections (5) and (7) are not to apply in relation to an authority;
 - (b) make provision as to what is a corresponding plan or corresponding joint local development plan.]
- (8) A joint local development plan is a local development plan prepared jointly by two or more local planning authorities.

Textual Amendments

- F20** S. 72(A1)(A2) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 14\(2\), 58\(2\)\(b\)\(4\)\(b\); S.I. 2015/1987, art. 3\(d\)](#)
- F21** Words in s. 72(1) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 14\(3\), 58\(2\)\(b\)\(4\)\(b\); S.I. 2015/1987, art. 3\(d\)](#)
- F22** S. 72(1A)(1B) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 14\(4\), 58\(2\)\(b\)\(4\)\(b\); S.I. 2015/1987, art. 3\(d\)](#)
- F23** Words in s. 72(3) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 14\(5\), 58\(2\)\(b\)\(4\)\(b\); S.I. 2015/1987, art. 3\(d\)](#)
- F24** Words in s. 72(4) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 14\(6\), 58\(2\)\(b\)\(4\)\(b\); S.I. 2015/1987, art. 3\(d\)](#)
- F25** Words in s. 72(5)(a) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 14\(7\)\(a\), 58\(2\)\(b\)\(4\)\(b\); S.I. 2015/1987, art. 3\(d\)](#)

Status: Point in time view as at 04/12/2020.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 6 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F26** Words in s. 72(5)(b) substituted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 14(7)(b)**, 58(2)(b)(4)(b); S.I. 2015/1987, art. 3(d)
- F27** Words in s. 72(6) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 14(8)**, 58(2)(b)(4)(b); S.I. 2015/1987, art. 3(d)
- F28** Words in s. 72(7) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 14(9)**, 58(2)(b)(4)(b); S.I. 2015/1987, art. 3(d)
- F29** S. 72(7A) inserted (6.9.2015 for specified purposes, 4.1.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 14(10)**, 58(2)(b)(4)(b); S.I. 2015/1987, art. 3(d)

Commencement Information

- I13** S. 72 in force at 30.4.2005 by [S.I. 2005/1229](#), **art. 2(c)** (with [art. 4](#), [Sch.](#)) (which transitional provisions in [art. 4](#) are revoked (15.10.2005) by [S.I. 2005/2722](#), [art. 4](#))

Miscellaneous

73 Exclusion of certain representations **E+W**

- (1) This section applies to any representation or objection in respect of anything which is done or is proposed to be done in pursuance of—
- an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the Highways Act 1980 (c. 66);
 - an order or scheme under section 7, 9, 11, 13 or 20 of the Highways Act 1959 (c. 25), section 3 of the Highways (Miscellaneous Provisions) Act 1961 (c. 63) or section 1 or 10 of the Highways Act 1971 (c. 41) (which provisions were replaced by the provisions mentioned in paragraph (a));
 - an order under section 1 of the New Towns Act 1981 (c. 64).
- (2) If the Assembly or a local planning authority thinks that a representation made in relation to a local development plan is in substance a representation or objection to which this section applies it or they (as the case may be) may disregard it.

Commencement Information

- I14** S. 73 in force at 30.4.2005 by [S.I. 2005/1229](#), **art. 2(d)** (with [art. 4](#), [Sch.](#)) (which transitional provisions in [art. 4](#) are revoked (15.10.2005) by [S.I. 2005/2722](#), [art. 4](#))

74 Urban development corporations **E+W**

The Assembly may direct that this Part (except [^{F30}sections 60 to 60C]) does not apply to the area of an urban development corporation.

Textual Amendments

- F30** Words in s. 74 substituted (6.9.2015 for specified purposes, 4.12.2020 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 2 para. 26**; S.I. 2020/1216, [reg. 2\(b\)](#)

Commencement Information

- I15** S. 74 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), **art. 2(j)**

Status: Point in time view as at 04/12/2020.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 6 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

75 Guidance **E+W**

In the exercise of any function conferred under or by virtue of this Part the local planning authority must have regard to any guidance issued by the Assembly.

Commencement Information

I16 S. 75 in force at 1.8.2004 by [S.I. 2004/1813](#), [art. 2\(c\)](#)

76 Annual monitoring report **E+W**

- (1) Every local planning authority must make an annual report to the Assembly.
- (2) The annual report must contain such information as is prescribed as to the extent to which the objectives set out in the local development plan are being achieved.
- (3) The annual report must—
 - (a) be made at such time as is prescribed;
 - (b) be in such form as is prescribed;
 - (c) contain such other matter as is prescribed.

Commencement Information

I17 S. 76 in force at 5.10.2005 for specified purposes and 15.10.2005 in so far as not already in force by [S.I. 2005/2722](#), [art. 2\(k\)](#)

I18 S. 76(2)(3) in force at 1.8.2004 for specified purposes by [S.I. 2004/1813](#), [art. 2\(d\)](#)

General

77 Regulations **E+W**

- (1) The Assembly may by regulations make provision in connection with the exercise of functions conferred by this Part on any person.
- (2) The regulations may in particular make provision as to—
 - (a) the procedure to be followed by the local planning authority in carrying out the appraisal under section 62(6);
 - (b) the procedure to be followed in the preparation of local development plans;
 - (c) requirements about the giving of notice and publicity;
 - (d) requirements about inspection by the public of a plan or any other document;
 - (e) the nature and extent of consultation with and participation by the public in anything done under this Part;
 - (f) the making of representations about any matter to be included in a local development plan;
 - (g) consideration of any such representations;
 - (h) the remuneration and allowances payable to the person appointed to carry out an independent examination under section 64;
 - (i) the time at which anything must be done for the purposes of this Part;

Status: Point in time view as at 04/12/2020.

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- (j) the manner of publication of any draft, report or other document published under this Part;
- (k) monitoring the exercise by local planning authorities of their functions under this Part.

Commencement Information

I19 S. 77 in force at 1.8.2004 by S.I. 2004/1813, art. 2(e)

78 Interpretation **E+W**

- (1) Local development plan must be construed in accordance with section 62.
- (2) Local planning authorities are—
 - (a) county councils in Wales;
 - (b) county borough councils.
- (3) [^{F31}But—
 - (a) a National Park authority is the local planning authority for the whole of its area;
 - (b) a joint planning board is the local planning authority for the whole of its united district (and references to the area of a local planning authority are, in relation to such a board, to be construed as references to its united district).]
- (4) The Assembly is the National Assembly for Wales.
- (5) RSS must be construed in accordance with Part 1.
- (6) This section applies for the purposes of this Part.

Textual Amendments

F31 S. 78(3) substituted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), ss. 15(2), 58(2)(b)(4)(b); S.I. 2015/1987, art. 4(a)

Commencement Information

I20 S. 78 in force at 1.8.2004 by S.I. 2004/1813, art. 2(f)

Status:

Point in time view as at 04/12/2020.

Changes to legislation:

Planning and Compulsory Purchase Act 2004, Part 6 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.