

PLANNING (CONSEQUENTIAL PROVISIONS) (WALES) BILL

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Planning (Consequential Provisions) (Wales) Bill (referred to in these Notes as “the Consequential Provisions Bill” or “this Bill”) that was introduced into Senedd Cymru on 15 September 2025, alongside the Planning (Wales) Bill (“the principal Bill”). These Notes have been prepared by the Welsh Government, in order to assist readers of the two Bills; they should be read in conjunction with those Bills but are not part of them.
2. The Explanatory Notes do not provide a comprehensive description of the contents of the Consequential Provisions Bill. Where a provision does not seem to require explanation or comment, none is given.
3. References in these Notes to “amendments” should be taken to include repeals.

COMMENTARY ON SECTIONS

Section 2 – Minor and consequential amendments and repeals

4. Section 2 introduces Schedules 1 to 4 that together set out the many amendments to other pieces of legislation that are necessary because of the enactment of the principal Bill. They also contain a small number of such amendments arising from the enactment of the Historic Environment (Wales) Act 2023 (asc 3).
5. Schedule 1 contains amendments to the Town and Country Planning Act 1990 (c. 8) (“the 1990 Act”); and Schedule 2 contains amendments to other Acts of the UK Parliament. Schedule 3 contains amendments to Assembly Measures and Acts of Senedd Cymru. Schedule 4 contains amendments to other legislation.
6. Some of the amendments to Schedules 1 to 3 are drafted to take account of legislation not yet in force. This principally arises where the provision that is being amended is itself due to be amended by another Act, such as the Levelling-up and Regeneration Act 2023 (c. 55) (“the 2023 Act”). In some cases, different amendments to a provision will be required as a consequence of the principal Bill depending on whether an amendment made to that provision by the 2023 Act (or another Act) has been brought into force. Where that is the case, Schedules 1 to 3 contain alternative amendments for each scenario. When the provisions in these Schedules are brought into force, only the amendment that is required at that time will take effect.

Schedule 1 – Amendments to the Town and Country Planning Act 1990

7. Following the coming into force of the principal Bill, the 1990 Act will no longer apply in relation to Wales. Schedule 1 accordingly repeals the provisions applying only in Wales and that will generally be replaced by corresponding provisions in the principal Bill. In addition, this Schedule amends provisions in the 1990 Act that currently apply in relation to both Wales and England, to ensure that those provisions (as well as the England-only provisions in that Act) continue to operate correctly in relation to England.

Schedule 2 – Amendments to other Acts of the United Kingdom Parliament

8. Schedule 2 to the Consequential Provisions Bill contains amendments to Acts of the UK Parliament other than the 1990 Act that are necessary as a result of the principal Bill.
9. There are a number of other pieces of UK legislation containing provisions relevant to planning that currently apply in both England and Wales, alongside the 1990 Act. These are being replaced by provisions in the principal Bill but will continue to apply in England. For example, Part 6 of the Planning and Compulsory Purchase Act 2004 (c.5) (“the 2004 Act”), dealing with development plans in Wales, is replaced by Part 2 of the principal Bill. Part 11 of the Planning Act 2008 (c. 29) (“the 2008 Act”) relating to the Community Infrastructure Levy is being replaced by Chapter 2 of Part 6 of the principal Bill. Those provisions are repealed by Schedule 2 to this Bill insofar as they apply in Wales and amended by the Schedule to ensure that they continue to operate correctly in England.
10. There are many references in other pieces of UK legislation to the 1990 Act, and to the planning provisions in the Planning and Compensation Act 1991 (c. 34), the Environment Act 1995 (c. 25), the 2004 Act, and the 2008 Act. Schedule 2 to this Bill makes the necessary amendments to ensure that those references will in future refer to the appropriate provisions in the principal Bill in relation to Wales and still operate correctly in relation to England.
11. Some of the amendments in this Schedule arise from the decision to refer throughout the principal Bill to the “planning authority” – in place of the terms “local planning authority”, “minerals planning authority” and “hazardous substances authority”, used in planning legislation until now. The use of the term “planning authority” reflects that Wales has for some years had a unitary system of local government and is in accordance with a recommendation by the Law Commission in its report *Planning Law in Wales*.

Schedule 3 – Amendments to Assembly Measures and Acts of Senedd Cymru

12. Schedule 3 to the Consequential Provisions Bill contains amendments to various Measures of the National Assembly and Acts of Senedd Cymru that are necessary as a result of the enactment of the principal Bill.

13. In particular, the Planning (Wales) Act 2015 (anaw 4) made a number of amendments to various provisions throughout the 1990 Act and Part 6 of the 2004 Act. Those provisions, in their amended form, are generally replaced by corresponding provisions in the principal Bill. The 2015 Act is accordingly largely repealed by Schedule 3 to this Bill. However, some provisions in that Act will remain in force, as they amend other enactments (for example, the Commons Act 2006 (c. 26)).

Schedule 4 – Amendments to other legislation

14. Schedule 4 contains amendments to:
- a. four Orders in Council, made under the Government of Wales Act 2006 (c. 32), that devolved planning functions firstly to the National Assembly and subsequently the Welsh Ministers; and
 - b. three Church of England Measures that continue to apply to the small number of Church of England parishes that are wholly or partly in Wales.

Section 3 – Transitional and saving provisions

Schedule 5 – Transitional and saving provisions

15. Section 3 introduces Schedule 5 that contains the transitional and savings provisions necessary to ensure that the law continues to operate smoothly as the principal Bill is brought into force, and that the operation of the planning system is uninterrupted in both Wales and England.

Section 4 – Power to make further provision in connection with the principal Act

16. In addition to the provisions included in Schedules 1 to 4 to this Bill, the Welsh Ministers may enact further provisions that are incidental or supplementary to, or consequential on the principal Bill or this Bill. They may also enact further transitional or saving provisions in addition to those in Schedule 5.
17. Such further provisions will be in regulations made by Welsh statutory instrument. Those regulations may amend any enactment; but if they amend, repeal or revoke any provision contained in a piece of primary legislation, the regulations are subject to the Senedd approval procedure (subsections (2) and (3)). Otherwise, they are subject to the Senedd annulment procedure (subsection (4)).

Section 5 – Coming into force

18. The amendments and repeals introduced by sections 2 and 3 and Schedules 1 to 5 will come into effect on the date prescribed in one or more orders made by the Welsh Ministers under section 5(2). Such orders may include any necessary consequential provisions (section 5(3)).

Section 6 – Short title

19. Section 6 sets out the short title of the Bill, by which it may be known and referred. Either the Welsh or the English language title of the Bill may be used, including as a citation in other enactments.

RECORD OF PROCEEDINGS IN THE SENEDD

20. The following table sets out the dates for each stage of the Bill's passage through the Senedd. The Record of Proceedings and further information on the passage of this Bill can be found on Senedd Cymru's website at: **[page to be inserted in due course]**

<i>Stage</i>	<i>Date</i>
Introduced	15 September 2025
Initial Consideration - Debate	[to be inserted in due course]
Detailed Committee consideration	[to be inserted in due course]
Final Stage	[to be inserted in due course]
Royal Assent	[to be inserted in due course]