

PLANNING (WALES) BILL

EXPLANATION OF CHANGES MADE TO EXISTING PROVISIONS WITHIN THE PLANNING (WALES) BILL

Introduction

1. This explanation of changes made to existing provisions (known as “Drafters’ Notes”) is for the Planning (Wales) Bill introduced into the Senedd on 15 September 2025. It has been prepared by the Welsh Government’s Office of the Legislative Counsel under Standing Order 26C.9(v).
2. The Bill has been introduced as a consolidation Bill under the procedure in Standing Order 26C. The Bill restates existing primary and secondary legislation and incorporates some related case law and practice. These notes describe the general approach that has been taken in drafting the Bill, and where relevant they explain how the Bill:
 - clarifies the application or effect of existing law;
 - removes or omits provisions which are obsolete, spent or no longer of practical utility or effect;
 - makes minor changes to existing law for the purposes of achieving a satisfactory consolidation; and
 - makes other changes to the law which the Law Commission of England and Wales recommends are appropriate for inclusion within a Consolidation Bill.
3. In preparing the Bill account has been taken of the *Guidance to support the operation of Standing Order 26C on Consolidation Bills*, which was issued by the Llywydd under Standing Order 26C.3 in October 2021.

Contents of the Bill

4. The Bill consolidates legislation relating to the planning of the development and use of land in Wales. Most of the Bill's provisions are taken from the Town and Country Planning Act 1990 ("the 1990 Act") and the Planning and Compulsory Purchase Act 2004 ("the 2004 Act"). The Bill also includes provisions taken from a number of other Acts, including provisions of the Planning and Compensation Act 1991 ("the 1991 Act") and the Environment Act 1995 ("the 1995 Act") relating to minerals, Part 11 of the Planning Act 2008 ("the 2008 Act") relating to the Community Infrastructure Levy, and provisions of the Planning (Wales) Act 2015 ("the 2015 Act").
5. The 1990 Act and 2004 Act include many provisions that apply only to England, and those provisions are not included in the Bill. These notes do not separately identify all the material that has been omitted because it is not relevant to Wales. That material includes provisions relating to the different development planning system in England, provisions about London, the Norfolk and Suffolk Broads and types of local authority that exist only in England, and powers and procedures that are available only in England (such as permission in principle, neighbourhood development orders and planning enforcement orders).
6. The Bill incorporates some provisions of subordinate legislation made under the Acts being consolidated, and some case law and practice that is important in understanding the operation of those Acts. These notes explain where material of these kinds has been included. Where there might be a need to amend provisions that have been moved from subordinate legislation to the Bill, the Bill retains powers to make amendments in regulations (as in the provisions about time limits for claiming compensation discussed in paragraphs 37 and 38). Section 407(7) provides for regulations that amend the Bill itself to be subject to the Senedd approval procedure.

Law Commission recommendations

7. The Bill gives effect to a number of recommendations made by the Law Commission in its final report on *Planning Law in Wales*¹ and these notes identify the recommendations given effect in the Bill.

¹ Law Com No 383, November 2018

8. The fact that a change was recommended in the Law Commission's report does not necessarily mean that reliance is being placed on paragraph (v) of Standing Order 26C.2, which allows a consolidation Bill to make changes in the law which the Law Commission recommends "are appropriate for inclusion within a consolidation Bill". In most of the cases where the Welsh Government has made changes to give effect to recommendations in the report, it has relied on other paragraphs of Standing Order 26C.2.
9. The Welsh Government sought recommendations under paragraph (v) only where it considered that no other paragraphs of Standing Order 26C.2 applied. In a letter to the First Minister dated 16 May 2024, the Chair of the Law Commission identified 15 changes that were suitable for inclusion in a consolidation Bill under paragraph (v). These notes identify the changes made in the Bill that rely on that letter.

Effects of devolution and transfers of Ministerial functions

10. The 1990 Act conferred various functions on the Secretary of State or other Ministers of the Crown. The National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) transferred nearly all those functions to the National Assembly for Wales established by the Government of Wales Act 1998 ("GoWA 1998"), so far as they were exercisable in relation to Wales. The functions were then transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 ("GoWA 2006").
11. The 2004 Act made various amendments to the 1990 Act and other planning legislation, including amendments that were expressed as conferring additional functions on the Secretary of State. Section 118(3) of the 2004 Act provided that the references to those Acts in SI 1999/672 were to be treated as referring to the Acts as amended, meaning that any new or amended functions were exercisable by the Assembly established by GoWA 1998.
12. Some additional functions under the 1990 Act were transferred directly to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) Order 2018 (SI 2018/644). The 1990 Act has also been amended by various Acts, including the 2008 Act and the 2015 Act, to include provisions conferring functions directly on the Welsh Ministers.

13. The provisions of the 1991 Act and 1995 Act that are restated in the Bill conferred various functions on the Secretary of State. SI 1999/672 transferred those functions to the Assembly established by GoWA 1998, and paragraph 30 of Schedule 11 to GoWA 2006 then transferred them to the Welsh Ministers.
14. Part 5 of the 2004 Act (which is partly restated in this Bill) was expressed as conferring functions on the Secretary of State, but section 59(9) provided that in relation to Wales the references to the Secretary of State were to be read as referring to the Assembly, while Part 6 of the 2004 Act conferred functions on the Assembly by name. All of these functions of the Assembly established by GoWA 1998 were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to GoWA 2006. Part 6 of the 2004 Act has also been amended by the 2015 Act and the Local Government and Elections (Wales) Act 2021 to include provisions conferring functions directly on the Welsh Ministers.
15. Functions under Part 11 of the 2008 Act were originally conferred on the Secretary of State but were transferred to the Welsh Ministers by article 44 of the Welsh Ministers (Transfer of Functions) Order 2018 (SI 2018/644).
16. The Bill reflects the effect of these changes by restating the transferred functions as functions of the Welsh Ministers. These notes do not identify all those changes separately but do identify changes made to clarify the effect of functions having been transferred “in relation to Wales”.
17. In relation to statutory undertakers, the 1990 Act confers various functions on a Minister of the Crown who is identified as the “appropriate Minister”, or on the Secretary of State and the appropriate Minister acting jointly. The functions of the Secretary of State have been transferred to the Welsh Ministers. The functions of the appropriate Minister have been transferred to the Welsh Ministers in relation to some statutory undertakers but not others, and that position is reflected in the definition of “appropriate Minister” in section 308 of the Bill. As a result, the Bill confers functions relating to certain statutory undertakers on a Minister of the Crown, or on the Welsh Ministers jointly with a Minister of the Crown. Ministers of the Crown also continue to have a small number of other functions under the 1990 Act in relation to Wales, which are restated in the Bill.
18. In many of the cases where functions under the 1990 Act are conferred on named Ministers of the Crown, the functions have been transferred to new Ministers by orders under the Ministers of the Crown Act 1975 (and sometimes the functions have been transferred more than once). The Bill reflects the effects of those transfers but these notes do not identify them separately.

Other legislative changes that affect the consolidation

Part 2 of the Legislation (Wales) Act 2019: general

19. Part 2 of the Legislation (Wales) Act 2019 (“the 2019 Act”) sets out general interpretation provisions that apply to Acts of the Senedd enacted on or after 1 January 2020, and will therefore apply to this Bill. Part 2 of the 2019 Act differs in some respects from the Interpretation Act 1978, which applies to nearly all of the legislation being consolidated (apart from some provisions taken from recent subordinate legislation). For example, the lists of generally applicable definitions in Schedule 1 to each interpretation Act are slightly different, meaning that some terms defined in the existing Acts do not need to be defined in this Bill while other terms not defined in the existing Acts do need to be defined in this Bill. This Bill has been drafted to take account of these differences.

Crown application

20. The legislation being consolidated was enacted in the context of the common law presumption that legislation does not bind the Crown. Crown immunity from planning legislation was largely removed by the 2004 Act. The 1990 Act, 2004 Act and 2008 Act all provide that they bind the Crown, subject to certain exceptions and modifications.

21. Sections 4 and 28 of the 2019 Act reversed the default position on Crown application for Acts of Senedd Cymru, by providing that those Acts do bind the Crown unless express provision is made to the contrary. Section 28(3) of the 2019 Act makes clear that this change does not impose criminal liability on the Crown. The change applies to Acts that receive Royal Assent on or after 1 January 2020.

22. This Bill has been drafted to apply to the Crown to the same extent as the legislation being consolidated, but some of the provisions that are required to achieve that outcome are now different as a result of the change in the default position. For example, sections 292A(1) and 296A(1) of the 1990 Act, which provide that the Crown is bound by the Act but is not criminally liable under it, are not restated because the same result is already achieved by section 28 of the 2019 Act.

Changes to powers of Magistrates' Courts to impose fines

23. The 1990 Act creates a number of either-way offences (triable in either the Crown Court or a magistrates' court) for which a magistrates' court may impose a fine not exceeding "the statutory maximum". The statutory maximum is £5,000². Where offences were punishable on summary conviction by a maximum fine of £5,000, section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 made them punishable by a fine of any amount (for offences committed on or after 12 March 2015). To reflect this change, the Bill provides that the offences in question are punishable on summary conviction by "a fine".

Subordinate legislation: form and procedure

24. Section 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 inserts a new Part 2A into the 2019 Act that makes provision about the procedural arrangements for making Welsh subordinate legislation. Part 2A provides for the Welsh Ministers to make subordinate legislation by "Welsh statutory instrument". It also provides for the main forms of Senedd scrutiny procedure for Welsh statutory instruments, which include the "Senedd approval procedure" (where the subordinate legislation may only be made if a draft of the instrument is approved by the Senedd) and the "Senedd annulment procedure" (where the subordinate legislation is subject to annulment after being made, if the Senedd passes a resolution to that effect). Part 2A of the 2019 Act is expected to come into force before this Bill, so the provisions of this Bill relating to subordinate legislation reflect the new terminology (see sections 44(9) and 407 of the Bill).

25. The legislation being consolidated contains various powers for the Welsh Ministers to make subordinate legislation in the form of an order made by statutory instrument³. Since 2014 it has been the practice of the Office of the Legislative Counsel that powers to make subordinate legislation by statutory instrument should normally take the form of powers to make regulations (see *Writing Laws for Wales: A guide to legislative drafting*, paragraph 9.2). The Bill therefore restates nearly all powers of the Welsh Ministers to make orders by statutory instrument as powers to make regulations by Welsh statutory instrument.

26. However, powers for the Welsh Ministers to make "development orders" that grant planning permission for the development of land have been retained in the Bill. This maintains consistency with the terminology used for other similar powers, including the powers of planning authorities to make "local development orders" granting planning permission for development in their

² See the definition of "the statutory maximum" in Schedule 1 to the Interpretation Act 1978, and section 32(9) of the Magistrates' Courts Act 1980.

³ The changes made by section 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 mean that these powers are now to be exercised by "Welsh statutory instrument".

areas, and the powers for Ministers to make instruments granting similar consents, such as “development consent orders” under the 2008 Act and “infrastructure consent orders” under the Infrastructure (Wales) Act 2024.

Changes to terminology

27. The Bill uses many of the same terms as the legislation it consolidates, and in particular continues to refer to local development plans and planning permission. However, it replaces some significant terms used in the existing legislation with new terms (and includes definitions of those terms where necessary: see section 408). These changes do not have any substantive effect but are intended to ensure that the terminology is more accurate or helpful. The main changes are set out in the following table.

Existing term	New term
Appointed person (or person appointed by the Welsh Ministers)	Inspector
Appropriate authority (in relation to Crown land)	Appropriate Crown authority
Completion notice	Termination order
Development consisting of the winning and working of minerals or involving the depositing of mineral waste	Minerals development
Ecclesiastical property	Church of England land
Former PTO	Former public telecommunications operator
Fuel or field garden allotment	Allotment (only used and defined in Part 10 of Bill)
Hazardous substances authority	Planning authority
Holder of a licence under section 6 of the Electricity Act 1989	Electricity licensee
Local planning authority	Planning authority
Mineral planning authority	Planning authority
Mineral-working deposit	Deposit of mineral waste

Notice under section 207 of the 1990 Act	Tree replacement notice
Notice under section 215 of the 1990 Act	Maintenance of land notice
Notice under section 330 of the 1990 Act	Information notice
Old mining permission	Pre-1948 minerals permission
Order under section 102 of the 1990 Act Order under paragraph 1 of Schedule 9 to the 1990 Act	Discontinuance order
Person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000	Air traffic licensee
Phase I site or Phase II site	Site shown in a list prepared under paragraph 3 of Schedule 13 to the Environment Act 1995
Planning contravention notice	Enforcement investigation notice
Refuse or waste materials	Waste
Regulations under section 220 of the 1990 Act	Control of advertisements regulations
Suspension order Supplementary suspension order	Protection order
Tree preservation order	Tree preservation order Woodland preservation order
United district (of joint planning board)	Joint planning area
Winning and working of minerals	Mining operations

28. Other changes of language, style and structure have been made throughout the Bill. The reasons for these changes include presenting material in a more logical order, omitting words that are unnecessary, expressing propositions more simply,

reflecting current drafting style and improving consistency of language and structure between provisions. These notes do not identify changes of this kind unless there is a special reason for drawing attention to them.

Deeming

29. The existing legislation sometimes provides that something is deemed to have been done, or that one thing is deemed to be another thing. This approach may be used to treat a condition as having been met even though it has not, or to apply provisions that deal with one situation to another situation. For example, the provisions about purchase notices provide that, where a purchase notice is accepted or confirmed in relation to land, a planning authority is deemed to have been authorised to acquire the land compulsorily and to have served a notice to treat in respect of it. This ensures that certain legislation about the compulsory purchase of land applies to the acquisition of land pursuant to a purchase notice, even though it is not in fact a compulsory purchase. Where the deeming approach is still considered appropriate, as in these cases, the Bill provides for something to be “treated as” having happened rather than “deeming” it to have happened.
30. In other cases, it is unclear why the existing legislation uses the deeming approach, which makes the legislation more complicated. In those cases the Bill no longer includes deeming provisions. The three most significant examples are as follows.
 - a. Section 90 of the 1990 Act provides for Ministers to give directions that planning permission is “deemed” to be granted, but the practical effect of such a direction is to grant planning permission. There is no meaningful difference between a planning permission that has been “deemed” to be granted by a direction and a permission that has been granted in any other way, so the Bill simply provides for Ministers to give directions granting planning permission (see Chapter 8 of Part 3).
 - b. Where an appeal is made to the Welsh Ministers against an enforcement notice on the ground that planning permission ought to be granted, section 177(5) of the 1990 Act provides that a planning application is “deemed” to have been made. However, as the Welsh Ministers already have the power to grant planning permission on the determination of an appeal, under section 177(1)(a) of the 1990 Act, the concept of making a “deemed” application is unnecessary. The Law Commission therefore recommended that it should be omitted (LC 383 Rec. No. 12-12), and the Bill does not include it.
 - c. Section 262 of the 1990 Act provides that certain persons are statutory undertakers for the purposes of the Act, while certain other persons are “deemed to be” statutory undertakers for the purposes of specified provisions of the Act, which are all of

the provisions that mention statutory undertakers subject to a small number of exceptions and qualifications. This approach is unnecessarily complicated. Section 303 of the Bill therefore defines “statutory undertaker” to include the persons who are deemed to be statutory undertakers under the 1990 Act, and the exceptions and qualifications are included in the provisions to which they are relevant.

Drafting changes made throughout the Bill

31. The following changes have been made in various places in the Bill and are described once in this section of the notes rather than being identified separately in each place where they arise.

Owners and occupiers of land

32. The legislation being consolidated contains many references to owners and occupiers of land. Most of the references are to “the owner” or “the occupier,” and where there may be more than one owner or occupier, it is not always clear whether the legislation means all of the owners or occupiers, or any one or more of them. A few provisions of the 1990 Act make this clearer, by referring to “every” owner and occupier, or to “an” or “any” owner or occupier. That approach has been taken throughout the Bill, to make the provisions clearer and more consistent. The general approach that has been adopted is that where notices are to be given to owners and occupiers they must be given to “every owner and occupier,” but where there is a right for owners and occupiers to make representations or take other action, “any” owner or occupier may take that action.

“For the time being”

33. Various provisions in the existing legislation use the words “for the time being”. For example, sections 206(1) and 211(2) of the 1990 Act refer to whether a tree preservation order “is for the time being in force” in respect of a tree, and Part 9 contains numerous references to whether land “is for the time being held” for particular purposes. These words seem to have been included to indicate that the question is to be determined by reference to whether an order is in force, or whether the land is held for the purpose in question, at the time when the question falls to be considered. However, in nearly every provision of the existing Acts that uses the words “for the time being,” it would be clear without those words that questions had to be considered by reference to circumstances as they arise. The words have therefore been omitted in the restatements of those provisions (see also *Writing Laws for Wales*, paragraph 3.9(4)).

34. The words “for the time being” have been retained in a small number of places, including the provision which states that planning permission has effect for the benefit of the persons who are “for the time being” interested in the land to which it relates (1990 Act, section 75(1)). The words are needed to make clear that a person who acquires an interest after the permission is granted may benefit from it.

“Expedient” and “appropriate”

35. The legislation being consolidated confers numerous powers and duties on the Welsh Ministers and local authorities. In some cases, provisions enable or require Ministers or authorities to do something where they consider it “expedient” or “appropriate” to do so. The two words have the same effect, and in many cases they do not add anything to the general requirements of administrative law for public authorities to act reasonably and with regard to relevant considerations, since it would be unreasonable for an authority to take steps that it considered “inexpedient” or “inappropriate”. Many of the references to what is “expedient” or “appropriate” have therefore been omitted, but references have been retained where they do appear to add something or where the provisions would not make sense without them.

“Subject to” and “without prejudice to”

36. Numerous provisions in the existing legislation state that they are “subject to” other provisions or are “without prejudice to” other provisions. Current drafting practice is to omit this kind of expression where the relationship between provisions is clear from the context, and to try to describe the relationship between provisions more precisely where it needs to be made clear (see *Writing Laws for Wales*, paragraph 5.6). Changes of this kind have been made throughout the Bill, which contains fewer references to provisions being “subject to” other provisions and no instances of the words “without prejudice to”.

Compensation claims

37. The 1990 Act contain various provisions under which a person is entitled to compensation from the Welsh Ministers or a planning authority for losses caused by a decision or other action (such as the revocation of planning permission). Most of those provisions require claims for compensation to be made “within the prescribed time” and “in the prescribed manner”. Regulations require claims to be made in writing and set the time limit for making claims, which in each case is 12 months from

the date of the decision or other action giving rise to the claim, subject to a power for Ministers to extend the time limit. The current requirements are in regulation 12 of the Town and Country Planning General Regulations 1992 (SI 1992/1492), which has not been amended since those regulations were made.

38. As they are important and unlikely to change, these time limits and requirements to make claims in writing have been incorporated in the restatements of the sections conferring the rights to compensation in question. The opportunity has also been taken to clarify when the time limits for claiming compensation start to run, based on how the provisions are understood to operate in practice. Section 391 gives the Welsh Ministers a power to extend time in individual cases and clarifies when that power can be exercised, as well as giving them a power to make regulations amending the time limits in the Bill.

Notes on specific provisions of the Bill

39. The tables below explain changes that have been made in specific provisions in each Part of the Bill, and the final table deals with provisions that have not been restated in the Bill. The tables use the following abbreviations to refer to existing legislation:

<i>When citing origins</i>	<i>When explaining changes</i>	
1936	1936 Act	Public Health Act 1936 (c. 49)
-	1947 Act	Town and Country Planning Act 1947 (c. 51)
-	1961 Act	Land Compensation Act 1961 (c. 33)
-	1962 Act	Town and Country Planning Act 1962 (c. 38)
-	1971 Act	Town and Country Planning Act 1971 (c. 78)
-	1980 Act	Highways Act 1980 (c. 66)
1990	1990 Act	Town and Country Planning Act 1990 (c. 8)
1991	1991 Act	Planning and Compensation Act 1991 (c. 34)
1995	1995 Act	Environment Act 1995 (c. 25)

2004	2004 Act	Planning and Compulsory Purchase Act 2004 (c. 5)
2006	GoWA 2006	Government of Wales Act 2006 (c. 32)
2008	2008 Act	Planning Act 2008 (c. 29)
2011	2011 Act	Localism Act 2011 (c. 20)
2015	2015 Act	Planning (Wales) Act 2015 (anaw 4)
2019	2019 Act	Legislation (Wales) Act 2019 (anaw 4)
-	2023 Act	Historic Environment (Wales) Act 2023 (asc 3)
-	Consequential Provisions Bill	Planning (Consequential Provisions) (Wales) Bill
SI 1973/310	SI 1973/310	Post Office Operational Land Regulations [SI 1973/310]
-	SI 1974/596	Town and Country Planning General Regulations 1974 [SI 1974/596]
SI 1974/1242	-	Town and Country Planning (Compensation and Certificates) Regulations 1974 [SI 1974/1242]
-	SI 1977/289	Town and Country Planning General Development Order 1977 [SI 1977/289]
SI 1984/575	SI 1984/575	Civil Aviation Authority (Operational Land) Regulations 1984 [SI 1984/575]
-	SI 1988/1812	Town and Country Planning (Applications) Regulations 1988 [SI 1988/1812]
-	SI 1988/1813	Town and Country Planning General Development Order 1988 [SI 1988/1813]

SI 1992/666	SI 1992/666	Town and Country Planning (Control of Advertisements) Regulations 1992 [SI 1992/666]
SI 1992/1492	SI 1992/1492	Town and Country Planning General Regulations 1992 [SI 1992/1492]
SI 1992/2832	SI 1992/2832	Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 [SI 1992/2832]
-	SI 1993/10	Town and Country Planning (Public Path Orders) Regulations 1993 [SI 1993/10]
SI 1995/418	SI 1995/418	Town and Country Planning (General Permitted Development) Order 1995 [SI 1995/418]
-	SI 1995/419	Town and Country Planning (General Development Procedure) Order 1995 [SI 1995/419]
SI 1995/2863	SI 1995/2863	Town and Country Planning (Minerals) Regulations 1995 [SI 1995/2863]
SI 1997/1111	SI 1997/1111	Town and Country Planning (Compensation for Restrictions on Mineral Working and Mineral Waste Depositing) Regulations 1997 [SI 1997/1111]
-	SI 2006/1387	Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006 [SI 2006/1387 (W. 137)]
SI 2007/1353	-	National Assembly for Wales Commission (Crown Status) (No. 2) Order 2007 [SI 2007/1353]
-	SI 2009/1307	Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 [SI 2009/1307]
SI 2010/948	-	Community Infrastructure Levy Regulations 2010 [SI 2010/948]
SI 2012/801	SI 2012/801	Town and Country Planning (Development Management Procedure) (Wales) Order 2012 [SI 2012/801 (W. 110)]

-	SI 2012/1100	Planning and Compulsory Purchase Act 2004 (Commencement No. 13) Order 2012 [SI 2012/1100 (C. 36)]
-	SI 2012/2920	Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 [SI 2012/2920]
-	SI 2014/2773	Town and Country Planning (Determination of Procedure) (Wales) Order 2014 [SI 2014/2773 (W. 280)]
-	SI 2015/1794	Town and Country Planning (Power to Override Easements and Applications by Statutory Undertakers) (Wales) Order 2015 [SI 2015/1794 (W. 254)]
SI 2015/1822	SI 2015/1822	Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Wales) Regulations 2015 [SI 2015/1794 (W. 264)]
-	LC 383	Law Commission, <i>Planning Law in Wales: Final Report</i> (Law Com No 383, November 2018)
-	LC Letter	Correspondence from the Law Commission (16 May 2024)

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
PART 1 – INTRODUCTORY PROVISIONS				
Section 3 – Meaning of “development”				
(2)(b)	1990, s. 55(1)	Definition of “development” amended to refer to a change in the use of “land” instead of “buildings or other land”.	26C.2(iii)	The reference to buildings is not needed, because “land” is defined as including buildings.
Section 4 – Building, engineering and mining operations				
(5)	1990, s. 55(4), 336(1) (definition of “the winning and working of minerals”); SI 1995/418, art 1(2) (definition of “mining operations”)	Combination of definitions of “winning and working of minerals” and “mining operations” in a single definition of “mining operations” so that a single term can be used throughout the Bill.	26C.2(ii)	Simplifies and clarifies the terminology used in relation to minerals without altering the substantive effect. The matters mentioned in the definition of “mining operations” in section 55(4) of the 1990 Act involve winning and working minerals, and the terms “mining operations” and “winning and working of minerals” are used with the same meanings in SI 1995/418. The change gives effect to LC 383 Rec. No. 18-5.
Section 6 – Operations and changes in use that are not development				
(2)	1990, s. 55(2)(a) and (2A)	Amendment of provision that internal works do not count as development, by – (a) omitting the exception for works to make good war damage; (b) replacing the exception for works that increase space underground, and the Welsh Ministers’ power to exclude	(a): 26C.2(iii) (b): 26C.2(iv)	(a): The reference to war damage relates to damage suffered during the Second World War and is no longer required. (b): Simplifies the legislation in relation to internal works. In future, exceptions from the need to apply for planning permission for internal

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		works that increase gross floor area by a specified amount, with a single exception for any works that increase gross floor area or space underground.		works will be provided by conferring permitted development rights in a development order. The changes give effect to LC 383 Rec. No. 7-2.
(5), (6), (7)	1990, s. 55(2)(d) to (f)	Provision that certain uses of land do not involve development amended to clarify that it is a <i>change to</i> one of those uses that does not involve development.	26C.2(ii)	Clarifies effect of provisions and reflects the wording of the definition of development. Gives effect to LC 383 Rec. No. 7-6.
(6), (7)	1990, s. 55(2)(f)	Omission of references to “buildings or other” land in provisions about use classes.	26C.2(iii)	The references to buildings are not needed, because “land” is defined as including buildings.
-	1990, s. 55(2)(g)	Omission of power to direct that demolition of specified descriptions of building does not involve development.	26C.2(iii)	Omitting the power enables the legislation to be simplified. In future, exceptions from the need to apply for planning permission for demolition will all be provided by conferring permitted development rights in a development order. Gives effect to LC 383 Rec. No. 7-1.
Section 7 – The planning authority for an area				
(4)	-	Addition of provision that a joint planning board becomes the planning authority for its area from the time specified in the regulations establishing it.	26C.2(ii), (iv)	Clarifies that the regulations establishing a joint planning board will need to specify when the board becomes the planning authority; ensures consistency with provisions about National Park authorities.
Section 8 – Power to designate joint planning area and establish joint planning board				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(3)	1990, s. 2(5)	Provision that a joint planning board is a body corporate amended to omit statements that a board has perpetual succession and a common seal.	26C.2(iii)	The statements are unnecessary and do not reflect current drafting practice. Provision that a board is a body corporate necessarily entails that it has perpetual succession (i.e. continues to exist despite changes in its membership) and that it may have a seal.
(6)(d)	1990, s. 2(6)(d), (6A) and (6B)	Powers to apply provisions of 1972 Act and Public Audit (Wales) Act 2004 to joint planning boards replaced with a power that describes in general terms the types of provision relating to local authorities that may be applied.	26C.2(ii), (iv)	Simplifies the powers and avoids the need for cross-references to other Acts; updates the powers to reflect the fact that provisions about the constitution, functions and financial arrangements of local authorities are now found in various Acts and Measures other than the 1972 and 2004 Acts.
(8)	-	Addition of definition of the "constituent councils" of a joint planning board	26C.2(ii)	Clarifies the existing effect of the section.
PART 2 - THE DEVELOPMENT PLAN				
Section 10 - Meaning of "the development plan" for an area				
(2)	2004, s. 38(5)	Restatement of provision about relationship between documents without the amendment made by the 2011 Act, Sch 9 para 6(c).	26C.2(ii)	The amendment made by the 2011 Act reflected changes to the provisions about development plans in England. The original wording of section 38(5) is more consistent with the language of the provisions applying to Wales.
-	2004, s. 38(7)	Omission of section 38(7) of the 2004 Act, which applies the definition of the	26C.2(iii)	Provision not required because the Acts it mentions either do not use the term

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		"development plan" to the Planning (Hazardous Substances) Act 1990, 2023 Act, other enactments relating to planning, 1961 Act and 1980 Act.		"development plan" or already contain provisions applying the definition in the 2004 Act. Schedule 2 to the Consequential Provisions Bill updates those provisions to refer to section 10 of this Bill, and amends one enactment relating to planning (the Inner Urban Areas Act 1978) to insert a new provision applying the definition.
<i>Section 16 – Survey of corporate joint committee's area</i> <i>Section 18 – Survey of planning authority's area</i>				
16(1) and 18(1)	2004, s. 60L(1) and 61(1)	Amendment of sections requiring CJs and planning authorities to review matters affecting "development of" their areas, to refer instead to "development and use of land in" their areas.	26C.2(ii), (iv)	Makes language consistent with provisions about strategic and local development plans. Clarifies that reviews deal with the same issues as development plans and provide evidence on which plans are based.
-	2004, s. 61(3), including as applied by s. 60L(2)	Omission of provision stating that the matters to be kept under review by CJs and planning authorities include any changes that are expected to occur in those matters.	26C.2(iii)	Provision not required because duties already require CJs and planning authorities to keep under review both how specified matters may be expected to affect their areas and other considerations affecting those matters.
<i>Section 17 – Duty to prepare strategic development plan</i> <i>Section 19 – Duty to prepare local development plan</i>				
17(6)(b) and 19(7)(b)	2004, s. 60M(6)(a) and 62(5)(a)	Duty to have regard to "current national policies" amended to refer to "other	26C.2(ii)	Clarifies that the policies are ones issued by the Welsh Ministers (see <i>R (Persimmon</i>

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		national policies issued by the Welsh Ministers" (i.e. other than the National Development Framework for Wales).		<i>Homes Ltd) v Vale of Glamorgan Council</i> [2010] EWHC 535 (Admin) at [20] and [118]). Omits references to policies being "current", which are unnecessary and inconsistent with references to other documents (which do not mention them being "current").
Section 21 – Preparation of plan: procedure and delivery agreement				
(4)(b)	2004, s. 63(3)(b), including as applied by s. 60L(2)	Provision for involving persons having an interest in matters relating to "development in" an area amended to refer instead to "development and use of land in" an area.	26C.2(ii), (iv)	Makes language consistent with provisions about strategic and local development plans. Clarifies that the issues in which the persons have an interest will be the issues addressed by the development plans.
Section 23 – Independent examination				
(1)	2004, s. 64(1)	Wording added to state that duty to submit plan for independent examination applies before authority adopts its plan.	26C.2(ii)	Clarifies existing effect of provision.
(9)(a)	2004, s. 77(1), 114; Tribunals and Inquiries Act 1992, s. 9	Provision that independent examination is a "statutory inquiry" (for which rules may be made under section 9 of the Tribunals and Inquiries Act 1992) replaced by power to make regulations about procedure for examinations.	26C.2(ii), (iii), (iv)	New power clarifies that regulations may make procedural provision for independent examinations. Omission of section 114 of 2004 Act avoids duplication by removing power to make rules under 1992 Act and ensures consistency with approach for other planning appeals and inquiries (which are not "statutory

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				inquiries" following changes made by the 2015 Act).
<i>Section 25 – Power to direct authority to modify plan</i>				
-	2004, s. 65(3)	Provision omitted which states that duty to comply with direction does not apply if direction has been withdrawn.	26C.2(iii)	Provision not required. In this context it goes without saying that there is no need to comply with a direction that has been withdrawn. There is a general power to withdraw directions by virtue of section 20 of the 2019 Act.
<i>Section 26 – Power to direct authority to submit plan for approval</i>				
(2)(a)	2004, s. 65(5)(a)	Provision prohibiting authority from taking steps in connection with plan amended to omit words stating that prohibition applies until the Welsh Ministers give their decision.	26C.2(iii)	Words are unnecessary because the authority cannot adopt its plan even after the Welsh Ministers give their decision.
<i>Section 30 – Exclusion of certain representations relating to highways and new towns</i>				
(2)	2004, s. 73(1)	Omission of section 73(1)(b) of the 2004 Act, which refers to orders and schemes under old highways legislation that was replaced by the 1980 Act.	26C.2(iii)	Removes duplication. The section refers to orders and schemes under the 1980 Act. Those references include orders and schemes under earlier highways legislation, which continued to have effect as if made under the 1980 Act by virtue of section 17 of the Interpretation Act 1978.
<i>Section 36 – Joint exercise of functions by planning authorities</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
-	2004, s. 72(1B)	Provision omitted which states that duty to comply with direction is "subject to any variation or withdrawal of the direction".	26C.2(iii)	Provision not required, because the point goes without saying in the context of this section. There are general powers to vary and withdraw directions by virtue of section 20 of the 2019 Act.
<i>Section 38 – Power to require plan-making authority to pay costs of independent examination</i>				
-	1990, s. 303A(9A) and (10)(a)	Omission of provisions about meaning of references to causing a qualifying procedure to be carried out and to costs borne by the appropriate authority.	26C.2(iii)	Provisions do not add anything to meaning of section, and restatement in section 23 no longer refers to causing a qualifying procedure to be carried out.
	1990, s. 303A(11)	Omission of provision that section applies to costs arising before it comes into force.	26C.2(iii)	It is no longer necessary to deal with costs incurred before section 303A of the 1990 Act came into force (on 8 November 1995). Section 38 will apply to costs incurred before this Bill comes into force by virtue of general transitional provisions in Schedule 5 to the Consequential Provisions Bill.
<i>Section 41 – Regulations about exercise of functions relating to plans</i>				
(2)(d)	2004, s. 60M(5)(b), 62(4)(b), 63(7)(b), 66A(8), 69(3)(a), 76(2), (3)(b) and (c)	Powers to make provision about form and content of specific types of document (e.g. development plans and reports) replaced with general power to make provision about form and content of any documents.	26C.2(ii)	Simplifies and clarifies the existing provisions. The specific powers cover nearly every type of document required under Chapters 2 to 4, and there is also a general power to make provision about the exercise of functions under those Chapters.
<i>PART 3 – PLANNING PERMISSION</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
<i>Section 43 – Planning permission required for development</i>				
(6)	1990, s. 57(5) and (6)	Omission of reference to “breach of previous planning control” and definition of that term.	26C.2(iii)	The provisions are not required. References to breaches of requirements imposed by the Bill and of orders made under it will be treated as including breaches of requirements and orders under the 1990 Act and earlier Acts, by virtue of Schedule 5 to the Consequential Provisions Bill.
-	1990, s. 57(7) and Sch 4	Omission of provisions removing need for planning permission in certain cases where land had a temporary or occasional use, or was unoccupied, on 1 July 1948.	26C.2(iii)	The provisions are no longer required and omitting them gives effect to LC 383 Rec. No. 12-26. The provisions are mostly spent because they apply where uses of land were resumed many years ago. Those uses are now immune from enforcement action and do not require planning permission. The provisions also apply if a person resumes a temporary use that land had in 1948 and that occurred at least once between 1948 and 1968. That situation is adequately addressed by the possibility of showing that land has an established dual use and by permitted development rights for occasional uses.
<i>Section 44 – Power of the Welsh Ministers to grant permission by development order</i>				
(4)	1990, s. 60(2)	Omission of words referring to permission being granted for the “extension or	26C.2(iii)	The words are not needed because the definition of “erection” of a building (in

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		alteration" of a building as well as its "erection".		section 408 of the Bill) already includes extension, alteration and rebuilding.
(8)	1990, s. 333(4B)	Omission of section 61(1) of the 1990 Act and of section 61D(4) so far as it applies to development orders (powers to make different provision for different descriptions of land and different purposes).	26C.2(iii)	Avoids duplication of general power to make different provision for different purposes in section 333(4B) of the 1990 Act, which is restated in section 44(8) of the Bill.
Section 45 – Power of planning authority to grant permission by local development order				
(5)	1990, s. 61A(4) and 61D(4)	Combination of separate powers for local development orders to make differential provision in one general power.	26C.2(ii)	Simplifies the provisions and clarifies that a local development order may make different provision for different purposes and for different areas of land.
Schedule 1 – Local development orders				
2(3)	1990, s. 61B(7)	Omission of requirement for planning authority to comply with direction to modify local development order.	26C.2(iv)	Ensures that the planning authority may, instead of modifying the order as directed, choose not to proceed with it. Resolves an anomaly in the existing provision.
3(2)	1990, s. 61B(2)	Combination and amendment of provisions about the effect of a direction requiring a planning authority to submit a local development order to the Welsh Ministers for approval.	26C.2(ii)	Clarifies that a local development order must still be adopted by the planning authority once the Welsh Ministers have approved it.
Section 48 – Outline planning permission				
(1) and (2)	1990, s. 92(1) and (2)	Provisions about outline planning permission amended to state more clearly	26C.2(ii)	Clarifies how the existing provisions operate. The provisions about outline

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		that it may only be granted for operations (not changes in use) and that the scope of the power to grant outline permission is to be determined by regulations.		permission in section 92 of the 1990 Act apply only to operational development, and the definition of "outline planning permission" in article 2 of SI 2012/801 means that outline permission can only be granted for the erection of buildings.
<i>Section 51 – Sustainable development duty</i>				
(1)	2015, s. 2(1)(b)	Sustainable development duty amended to state that it applies to applications for approval of reserved matters as well as applications for planning permission.	26C.2(ii)	Clarifies the scope that the duty is already understood to have. The approval of reserved matters is considered to be part of granting the planning permission and the same requirements are understood to apply.
<i>Section 52 – Requirement for applicant to carry out pre-application consultation and publicity</i>				
(8)(d)	1990, s. 61Z(9)(d)	Omission of reference to requiring consultees to report on compliance with provision about the timetable for consultation made under section 61Z(9)(c) of the 1990 Act.	26C.2(ii)	Corrects a mistake. The reference to compliance with the consultation timetable is unnecessary because there is a separate reference to the consultee reporting on compliance with requirements to respond to a consultation within a particular time.
<i>Section 56 – Application for planning permission, approval of reserved matters etc.: general requirements</i>				
(1)	1990, s. 62(1)	General power to impose requirements for applications for planning permission amended to state that it applies to applications for approvals etc. under a grant of planning permission.	26C.2(ii)	Clarifies the scope that the existing power is understood to have. Development orders have made provision about applications for approvals for many years

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				(e.g. SI 1977/289, art 6; SI 1995/419, art 4; SI 2012/801, art 4).
<i>Section 57 – Application for planning permission: design and access statement and pre-application consultation report</i>				
(1)(a)	1990, s. 62(5)(a)	Omission of requirement for design and access statement to explain the design “concepts” applied to the development.	26C.2(iii)	The reference to design “concepts” is unnecessary as it does not add anything to the reference to design “principles”. Omitting it corresponds to a change made in section 90 of the 2023 Act.
<i>Section 58 – Notice of application for planning permission or approval of reserved matters</i>				
(1)	1990, s. 65(1)(b) and (2)	Power and duty to make provision about giving notice of an application combined in one duty to make provision requiring the applicant to give notice, and amended to refer to applications for approval of reserved matters as well as planning permission.	26C.2(ii)	Clarifies the scope that the existing powers are understood to have. The current powers in section 65 of the 1990 Act have only been used to impose notification duties on applicants for planning permission (see SI 1995/419, art 6 and 7, and SI 2012/801, art 10 and 11), but they are understood to be available in relation to reserved matters applications.
<i>Section 60 – Planning authority to give notice that application is not valid</i>				
(2) and (3)	1990, s. 62ZA(2), (4) and (7)	Requirements for planning authority to give notice that an application is not valid amended to reflect the clarification in section 56(1) of the Bill of the applications for which requirements may be imposed.	26C.2(ii)	Consequential on the change made in section 56(1) (see above). Reflects the fact that sections 56 and 60 will both apply to the same applications. Section 60(2) (restating section 62ZA(2) of the 1990 Act) will therefore apply to all of those applications.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(4)	1990, s. 62ZA(3) and (5)	Provisions about the contents of notices of invalidity combined into one provision that requires all notices to identify the requirement with which an application does not comply.	26C.2(ii)	Simplifies the provisions as a consequence of the change made in section 56(1) and clarifies their effect.
<i>Section 61 – Right to appeal against notice of invalidity</i>				
(2) and (3)	1990, s. 62ZB(2) and (3)	Grounds of appeal against notice amended to reflect changes to power to give notice.	26C.2(ii)	Simplifies the provisions as a consequence of changes made in sections 56(1) and 60.
<i>Section 63 – Procedure for dealing with applications: general</i>				
(1)	1990, s. 71(1), (2) and 74(1)	Powers to make provision about how planning authorities are to deal with applications for planning permission amended to state that they apply to applications for approvals etc. under a grant of planning permission.	26C.2(ii)	Clarifies the scope that the existing powers are understood to have. The examples given in section 74(1) of the 1990 Act already include paragraph (e) relating to decisions on applications for other approvals required by conditions of planning permission.
(2)	1990, s. 65(1), 71(1), (2) and 74(1)	Amendment of power to make provision about how planning authorities handle applications, to include examples relating to publicising applications and variation of applications.	26C.2(ii)	Clarifies the scope of existing powers. The power to make provision about publicising applications in section 65(1) of the 1990 Act has only ever been used to impose duties on planning authorities. Including a reference to variation of applications makes the provision consistent with section 62R of the 1990 Act (restated in section 82(2) of the Bill).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
-	1990, s. 71(2A)	Omission of power for development order to make different provision about consultation for different cases and classes of development.	26C.2(iii)	Avoids duplication of general power to make different provision for different purposes in section 333(4B) of the 1990 Act, which is restated in section 407(3) of the Bill.
-	1990, s. 71(3) and (4)	Omission of requirement to consult site licensing authority before granting planning permission for a caravan site.	26C.2(iv)	This is a matter of procedural detail that belongs in subordinate legislation. Other duties to consult about particular types of development are already in subordinate legislation (see SI 2012/801, Sch 4). Omitting this duty from the Bill will enable it to be dealt with in the same way, and gives effect to LC 383 Rec. No. 8-28(1).
-	1990, s. 74(1)(b)	Omission of power to authorise planning authority to grant planning permission for development that does not accord with the provisions of the development plan.	26C.2(iii)	The power is not needed because there is no requirement for development to "accord with" the development plan. Omitting it gives effect to LC 383 Rec. No. 8-29(3).
-	1990, s. 74(1A)	Omission of power to make provision about persons to whom applications and copies of applications must be sent.	26C.2(iii)	The power is not needed. It was inserted to replace provisions of the 1990 Act about whether certain applications should be sent to district or county planning authorities, which no longer exist in Wales. Omitting it gives effect to LC 383 Rec. No. 8-29(4).
Section 64 – Requirement to respond to consultation				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(2)	2004, s. 54(1) and (2); SI 2012/801, art 15A(1)	Provisions requiring substantive responses to consultations about various applications combined in one section; provisions relating to applications for planning permission moved from development order to Bill; power to specify other consultations to which the requirement applies omitted.	26C.2(iv)	Ensures that the provisions about responding to consultation about applications for planning permission are consistent with the provisions relating to applications for approvals and consents under planning permission.
-	2004, s. 54(3)	Omission of provision stating that a person may consult a statutory consultee about a proposed development before an application for a permission, approval or consent is made.	26C.2(iii)	The provision is not required, because there would be nothing to stop a person consulting a statutory consultee before making an application; and section 61Z of the 1990 Act (restated in section 52 of the Bill) now makes provision about pre-application consultation.
(5)(a)	1990, s. 100A(4)(a); 2004, s. 54(5)(a) and (b)	Powers to make provision about information to be provided to a statutory consultee and about the procedure to be followed combined in a single power to make provision about the procedure.	26C.2(iv)	In section 54(5) of the 2004 Act, the power to specify information is not needed because it comes within the power to make provision about procedure; replacing the power in section 100A(4) of the 1990 Act to specify information with a power to make provision about procedure ensures consistency.
Section 66 – General considerations relevant to determination of applications				
(1)	1990, s. 70(1)	Duty to have regard to the development plan and other relevant considerations in deciding a planning application amended to state that it applies to an application for approval of reserved matters.	26C.2(ii)	Clarifies the applications to which the “development plan duty” applies, to reflect how the duty is currently understood, in accordance with the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				Welsh Government response to LC 383 Rec. No. 5-1.
(2)	SI 2010/948, reg 122	Provision about circumstances in which a planning obligation is a relevant consideration moved from regulations to the face of the Bill.	26C.2(iv)	This is an important provision dealing with matters that are otherwise dealt with in primary legislation. Moving it to the Bill gives effect to LC 383 Rec. No. 10-3.
<i>Section 67 – Grant or refusal of planning permission and imposition of conditions</i>				
(1)	1990, s. 70(1)	Provision that a planning authority may grant planning permission “unconditionally” replaced with provision that it may grant permission “subject to the conditions required by this Part”.	26C.2(ii)	Reflects the fact that Part 3 of the 1990 Act specifies various conditions that must be imposed when granting permission.
(5)	1990, s. 336(1) (definition of “use”) and Sch 16, Part 1; SI 1995/2863, reg 2	General definition of “use” of land restated for certain purposes with a modification relating to mining operations that is currently set out in regulations.	26C.2(ii), (iv)	Clarifies the cases in which the definition applies. The modification relating to mining operations is moved from regulations to the Bill because the regulations modify the effect of primary legislation.
<i>Section 68 – Determining applications to develop without compliance with previous conditions</i>				
(2)	1990, s. 73(2)(a)	Omission of reference to planning authority deciding that planning permission “should be granted unconditionally”.	26C.2(iii)	Reflects the fact that Part 3 of the 1990 Act specifies various conditions that must be imposed when granting permission.
<i>Section 69 – Decision notices</i>				
(4)	-	Addition of provision disapplying requirement to specify plans in accordance	26C.2(ii)	Clarifies the circumstances in which the requirements of section 71ZA(2) and (3) of the 1990 Act apply.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		with which development must be carried out where it has already been carried out.		
(5)(b)	1990, s. 71ZA(4)(b)	Reference to a planning authority imposing, removing or varying a condition amended to refer to it doing so under the restatement of section 96A of the 1990 Act.	26C.2(ii)	Clarifies the circumstances in which a planning authority may impose, remove or vary a condition of planning permission.
<i>Section 72 – Reference of application to the Welsh Ministers</i>				
(1)(b)	1990, s. 77(1)	Power to “call in” applications amended to state that it applies to applications for approval of reserved matters (as well as for other approvals under a development order).	26C.2(ii)	Adding a reference to reserved matters applications clarifies the range of applications to which section 77 of the 1990 Act is already understood to apply.
(2)	1990, s. 77(1) and (2)	Power of the Welsh Ministers to give “call-in” directions limited to imposing requirements on individual planning authorities, and replaced with regulations for requirements that apply to planning authorities generally.	26C.2(iv)	Regulations are considered appropriate for any cases where Ministers wish to impose requirements on all planning authorities. Limiting directions to imposing requirements on individual authorities is consistent with existing practice.
(4)	1990, s. 77(4)	New power for regulations to require the Welsh Ministers to notify an applicant that an application has been referred to them.	26C.2(v)	The change is a minor improvement to procedure so that it works better in practice, and gives effect to LC Letter Rec. No. 1.
(5)		List of provisions that apply to called-in applications amended to include the restatement of Part 1 of Schedule 5 to the	26C.2(iv)	Corrects an anomaly or mistake. No reason has been identified why Part 1 of Schedule 5 should not apply to called-in applications. Applying it makes the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		1990 Act (about conditions of minerals permissions).		position consistent with that for appeals to the Welsh Ministers.
<i>Section 74 – Procedure for making appeal</i>				
(2)(c)	1990, s. 78(3)	Addition of wording stating that regulations about the period for appealing may provide for the period to be extended.	26C.2(ii)	Clarifies the scope that the existing powers are understood to have and improves consistency. Regulation 26(2) of SI 2012/801 provides for the extension of the time limits. A corresponding change was made in section 101 of the 2023 Act.
<i>Section 75 – Restriction on varying application after service of notice of appeal</i>				
(2)	1990, s. 78(4BB)	Requirement for development order to provide for such further consultation as the Welsh Ministers consider appropriate replaced with provision on the face of the Bill enabling the Welsh Ministers to give a direction requiring further consultation.	26C.2(iv)	Simplifies the provisions and clarifies how a requirement for further consultation would be imposed. The provision currently made in article 26C(2) of SI 2012/801 adds very little to the duty in section 78(4BB) of the 1990 Act. A corresponding change was made in section 102 of the 2023 Act.
<i>Section 76 – Decision on application after service of notice of appeal</i>				
(4) and (5)	1990, s. 78A(3)(c) and (4)(c)	Omission of provisions requiring the Welsh Ministers to give an appellant an opportunity to change any option the appellant has chosen relating to the procedure for the appeal.	20C.2(iii)	The provisions no longer have any effect. When they were enacted, an appellant could request a hearing under section 79(2) of the 1990 Act or paragraph 2 of Schedule 6, but that option was removed by SI 2014/2773.
<i>Section 77 – Determination of appeal</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
-	1990, s. 79(6)	Omission of provision enabling the Welsh Ministers to decline to determine an appeal if they consider that the planning authority was prevented by certain provisions from granting permission or imposing different conditions.	26C.2(iii)	The provision does not serve any purpose. There is nothing in any of the provisions mentioned in section 79(6) of the 1990 Act that would prevent an authority granting permission or require it to grant permission subject to specific conditions.
<i>Section 79 – Designation of planning authority for the purposes of section 78</i>				
-	1990, s. 62N(9); 2015, s. 23 (not yet in force)	Omission of provision that the section does not apply to an urban development corporation.	26C.2(iii)	Reflects the fact that urban development corporations will not be planning authorities, as a result of amending section 149 of the Local Government, Planning and Land Act 1980 so that it no longer applies to Wales (see the notes for the Consequential Provisions Bill) and omitting section 7 of the 1990 Act from the Bill (see the table of omitted provisions).
<i>Section 81 – Powers to impose requirements in relation to applications to the Welsh Ministers</i>				
(1)	1990, s. 62P(4); 2015, s. 24 (not fully in force)	Omission of powers to give directions to planning authorities of a particular description or planning authorities generally.	26C.2(iii)	The power is not needed because requirements applying to all authorities or to categories of authority can be imposed by regulations under section 81(3) of the Bill (restating section 75A of the 1990 Act).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
-	1990, s. 62P(5); 2015, s. 24 (not fully in force)	Omission of provision that directions may be varied or revoked.	26C.2(iii)	The provision is not required. There are general powers to vary and revoke directions in section 20 of the 2019 Act.
Section 82 – Procedure for dealing with planning applications made to the Welsh Ministers				
(2)	1990, s. 62R(2); 2015, s. 25 (not fully in force)	List of examples of provision that may be made about dealing with applications amended to mention publicising applications and giving notice of decisions.	26C.2(ii)	Ensures that the examples given include the main types of provision that are likely to be made, and improves consistency with the powers restated in section 63 of the Bill.
Schedule 4 – Applications to the Welsh Ministers: exercise of functions by inspectors				
para 5(1) to (3)	-	Addition of provisions stating that an inspector may hold a local inquiry or hearing, the costs of which are to be met by the Welsh Ministers.	26C.2(ii)	Clarifies the effect of the existing provisions if the Welsh Ministers determine that there should be an inquiry or hearing, and ensures consistency with the position for appeals (see Schedule 20 to the Bill).
para 5(4)(b)	1990, Sch 4D para 14; 2015, Sch 3 para 1 (not fully in force)	Power to appoint assessor extended to cover cases decided on the basis of written representations (as well as those decided after hearings or local inquiries) and to enable an inspector (as well as the Welsh Ministers) to appoint an assessor.	26C.2(v)	Makes minor improvements to the powers and gives effect to LC Letter Rec. No. 2. Corresponding changes were made in paragraph 3 of Schedule 12 to the 2023 Act.
Section 84 – Applications by the Crown				
(2)	1990, s. 298A(1)	Power to make provision about Crown applications amended to state that it applies to applications for approval of reserved	26C.2(ii)	Clarifies the scope that the existing power is understood to have.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		matters (as well as for planning permission).		
<i>Section 87 – Authorisation for development by local authorities and statutory undertakers</i>				
(2)	1990, s. 90(1)	Power to direct that planning permission is “deemed to be granted” restated as power to give a direction granting permission.	26C.2(iv)	Replacing deemed planning permission with actual permission simplifies the provisions.
(3)(e)	1990, s. 90(4)(e)	Definition of authorisation by a government department amended to omit reference to an undertaking to pay a grant “in accordance with an enactment authorising the payment of such grants”.	26C.2(iii)	The reference is not needed. Any grant would have to be paid in accordance with relevant legislation.
<i>Section 88 – Consent for electricity generating stations and electric lines</i>				
(1) and (2)	1990, s. 90(2) and (2ZA)	Power to direct that planning permission is “deemed to be granted” restated as power to give a direction granting permission.	26C.2(iv)	Replacing deemed planning permission with actual permission simplifies the provisions.
-	1990, s. 90(2), (2ZA), (6) and (7)	Omission of references to “England or Wales” and “Renewable Energy Zone” and of definitions of those terms.	26C.2(iii)	The references and definitions are not needed. They do not make any difference to the effect of the provisions, so including them would be misleading.
<i>Section 89 – Orders under the Transport and Works Act 1992</i>				
(2)	1990, s. 90(2A)	Power to direct that planning permission is “deemed to be granted” restated as power to give a direction granting permission.	26C.2(iv)	Replacing deemed planning permission with actual permission simplifies the provisions.
<i>Section 90 – Application of this Act to planning permission granted under this Chapter</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(1)	-	Addition of provision stating that a direction under the restatement of section 90 of the 1990 Act may grant any planning permission that could be granted on an application.	26C.2(ii)	Clarifies the types of permission that may be granted. Improves consistency with the provisions about permission granted on an appeal against an enforcement notice or by a discontinuance order.
<i>Section 93 – Condition about period within which development must start</i> <i>Section 94 – Conditions of outline planning permission</i>				
-	1990, s. 91(2) and 92(6)	Omission of separate duties for an authority that grants planning permission to have regard to the development plan when determining the periods within which the development must begin and any applications for approval of reserved matters must be made.	26C.2(iii), (iv)	Where permission is granted on an application, the duties to have regard to the development plan in sections 91 and 92 of the 1990 Act are not needed because an authority is required by section 70(2) to have regard to the plan when dealing with the application. Where permission is granted by a direction under section 90 of the 1990 Act, omitting the duties rectifies an anomaly because the requirement in section 70(2) does not apply to the decision to give the direction.
<i>Schedule 5 – Condition limiting duration of minerals permission</i>				
para 1(4)	1990, Sch 5 para 1(4)	Addition of wording stating that the power to amend the 60-year periods specified in the Schedule includes the power to amend the Schedule.	26C.2(iv)	Improves accessibility by ensuring that any regulations amending the periods will be able to amend the text of the Schedule so that it refers to the correct periods.
<i>Section 97 – Notice of starting and carrying out development</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(2) to (4)	1990, s. 71ZB(1) to (3)	Omission of provisions specifying matters to be included in notices under the section, so that those matters will be specified in regulations.	26C.2(iv)	Improves consistency by ensuring that the detailed requirements for the form and content of a notice will be set out in one place in regulations. Gives partial effect to LC 383 Rec. No. 8-28(2).
<i>Schedule 6 – Termination orders</i>				
para 1(2) and (3)	1990, s. 94(4) and 95(3)	Requirement to serve completion notice on affected persons replaced with requirement to serve notice on those persons that a termination order has been submitted to the Welsh Ministers for confirmation.	26C.2(iv)	Makes the procedure for termination orders consistent with the procedures for other orders that require confirmation by the Welsh Ministers.
para 2(2) to (5)	1990, s. 94(4), 95(3) and 96(2)	Addition of provisions setting out the procedure to be followed where the Welsh Ministers make a termination order.	26C.2(ii), (iv)	Clarifies the procedure that would have to be followed if the Welsh Ministers made an order, and ensures that it is consistent with the procedures that apply to other orders made by the Welsh Ministers under the Bill.
<i>Section 99 – Time when development starts</i>				
(1)(a)	SI 1995/2863, reg 3 and Sch	Provision about when development consisting of mining operations is taken to start moved from regulations to the section.	26C.2(iv)	Regulation 3 of SI 1995/2863 is an important provision that modifies the effect of primary legislation. It has not changed for a long time.
(3)	1990, s. 56(5)(b)	Amendment of provision about when development consisting of a material change in the use of land is taken to start, to omit exception for development of a class	26C.2(iii), (iv)	Omits an unnecessary provision and corrects an anomaly. The development specified in paragraph 1 of Schedule 3 to the 1990 Act is operational development, so it is not

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		specified in paragraph 1 or 2 of Schedule 3 to the 1990 Act.		relevant for the purposes of section 56(4)(e) and (5), which are about changes in the use of land. The development specified in paragraph 2 of Schedule 3 is a change in use (from one dwelling to two) but no reason has been identified for it to be treated differently from any other change in use.
<i>Section 100 – Power of planning authority to make non-material change to planning permission</i>				
(1)	1990, s. 96A(1)	Section amended to state that it does not apply to planning permission granted by a development order or local development order.	26C.2(ii)	Clarifies the scope that section 96A of the 1990 Act is understood to have. The section would not be relevant to permission granted by an order.
(2) and (6)	1990, s. 96A(4) and (6)	Omission of reference to an application being made “on behalf of” a person with an interest in the land in question.	26C.2(iii)	The references are not necessary. Statutory references to persons are generally taken to include their agents, and there is nothing to suggest that that is not the case here.
<i>Section 102 – Power to make order modifying or revoking planning permission</i>				
(1)	1990, s. 97(1)	Amendment of provision stating that powers of modification and revocation apply to planning permission granted on an application, to say that the powers apply to permission granted otherwise than by a development order or local development order.	26C.2(ii)	Clarifies the scope that the existing powers are understood to have. Section 99(8)(a) of the 1990 Act indicates that the powers are understood to apply where Ministers give a direction deeming planning permission to be granted and where permission is granted on an appeal against an enforcement notice.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
-	1990, s. 100(2)	Omission of provision that an order made by the Welsh Ministers has the same effect as an order made by a planning authority	26C.2(iii)	The provision is not needed, as the effect of orders is made clear in the Bill (e.g. for the purposes of compensation and validity). A corresponding provision was omitted in section 107 of the 2023 Act.
<i>Schedule 7 – Orders modifying or revoking planning permission</i>				
para 3(3)	1990, s. 99(2)	Provision about publicising unopposed orders amended to include more detail about the information that must be provided.	26C.2(ii)	Clarifies the effect of a person giving notice in response (i.e. that the order must go through the Ministerial confirmation procedure) and the circumstances in which an order takes effect without confirmation. Corresponds to a change made in Schedule 8 to the 2023 Act.
<i>Schedule 8 – Minerals permissions relating to dormant sites</i>				
para 1(2)	1991, Sch 2, para 2(2) and (3) and 4(1); 1995, Sch 13, para 9(2)(a) to (e)	Addition of provisions specifying information that must be included in an application to determine conditions of a pre-1948 minerals permission. Requirements replace provision that applications to determine conditions of pre-1948 minerals permissions were required to be on official forms.	26C.2(iv)	Ensures consistency for all applications to determine conditions of old mining applications; the requirements already apply in relation to post-1948 minerals permissions. Change also gives effect to how it is understood the current requirements relating to pre-1948 minerals permissions operate in practice.
para 2(1)(a)	1991, Sch 2, para 4(3)	Addition of requirement for planning authority to give applicant for determination of conditions of post-1948 minerals permission written acknowledgement of the application.	26C.2(iv)	Ensures consistency for all applications to determine conditions of old mining applications; such a provision already applies in relation to pre-1948 minerals

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				permissions. There is also an equivalent requirement in Schedule 9 to the Bill.
para 2(3)	1995, Sch 13, para 9(8)	Addition of provision that in determining whether a pre-1948 minerals permission is to be subject to a condition relating to development for which planning permission is granted by development order, the planning authority must have regard to any guidance issued by the Welsh Ministers.	26C.2(iv)	Ensures consistency for all applications to determine conditions of old mining applications; such a provision already applies in relation to post-1948 minerals permissions. There is also an equivalent requirement in Schedule 9 to the Bill.
para 2(4), (5) and (8)(b)	1995, Sch 13, para 9(10) and (11)	Addition of provision that if a planning authority considers that an application to determine the conditions of pre-1948 minerals permission gives insufficient information, the authority must require further details to be provided.	26C.2(iv)	Ensures consistency for all applications to determine conditions of old mining applications; such a provision already applies in relation to post-1948 minerals permissions. There is also an equivalent requirement in Schedule 9 to the Bill.
para 2(9)	1995, Sch 13, para 9(5)	Addition of provision that regulations may impose requirements on planning authorities relating to publicity for applications to determine conditions of pre-1948 minerals permissions.	26C.2(iv)	Ensures consistency for all applications to determine conditions of old mining applications; such a provision already exists in relation to post-1948 minerals permissions.
para 3(4)	-	Addition of power to make regulations to require the Welsh Ministers to give notice to applicants where their applications are called-in for determination.	26C.2(iv)	Ensures consistency with the corresponding provision in relation to applications for planning permission. Change is consistent with LC 383 Rec. No. 8-27.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
para 4(2)	1991, Sch 2, para 5(5); 1995, Sch 13, para 11(2)	Addition of provision that the period for serving notices of appeal relating to the determination of the conditions of post-1948 minerals permissions is linked to the day the planning authority makes its determination. Provision also clarifies that in all cases (whether relating to pre-1948 or post-1948 minerals permissions), the period begins with the day after the day the authority makes its determination.	26C.2(iv)	Ensures consistency for all appeals relating to applications to determine conditions of old mining applications; the deadline for appeals relating to pre-1948 minerals permissions is already linked to the date of the authority's determination (not the date on which notice of the determination is given). Also ensures consistency with the equivalent provision in Schedule 9.
para 4(3)(a)	1995, Sch 13, para 16(2)	Addition of provision that the form for a notice of appeal relating to a pre-1948 minerals permission is to be published or provided by the Welsh Ministers or a person authorised by them.	26C.2(iv)	Ensures consistency for all appeals relating to applications to determine conditions of old mining applications; the form for a notice of appeal relating to a post-1948 minerals permission may already be provided on behalf of the Welsh Ministers.
para 6	1995, Sch 13, para 1(8) to (10)	Replacement of provision about electronic communications in relation to applications etc. in relation to post-1948 minerals permissions with power to make regulations in relation to pre-1948 and post-1948 minerals permissions.	26C.2(iv)	Ensures consistency of approach with the provisions relating to applications for planning permission.
<i>Schedule 9 – Periodic review of minerals permissions</i>				
para 5(2)(c)	1995, Sch 14, para 4(4)(a)	Addition of provision that a notice of periodic review must indicate that the land the recipient owns, or a mineral in which	26C.2(iv)	Requirement is included for consistency with the requirements for reminder notices where no action is taken in response to the initial notice; it is

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		the recipient has an interest, is included in the site to which the notice relates.		anomalous to require this information in the reminder notice but not in the initial notice.
para 5(6) and (7)	1995, Sch 14, para 4(5) to (8)	Omission of provision about circumstances where service of notices is not possible due to the identity or address of the recipient being unknown. The provision is replaced by power to make regulations to set out how service is to be effected where the identity or address are unknown (and where no such regulations are made, the general provision in section 399 of the Bill about service in such circumstances applies).	26C.2(iv)	It is more consistent with the remainder of the Bill to require the notices to be served, even where the identity or address is unknown, than to restate the current requirements in paragraph 4(5) to (8), which apply <i>instead</i> of service. If the Bill's general provision about service of notices etc. where the identity of the recipient is unknown need to be modified in these particular circumstances, it is considered appropriate for the detail of the method of service to be included in regulations.
para 9(1)(a)	-	Addition of provision that where a planning authority receives an application for periodic review of a minerals permission, it must give the applicant written acknowledgement of the application as soon as is reasonably practicable.	26C.2(ii)	Ensures consistency with the procedures for dealing with an application for the determination of the conditions of dormant minerals permissions under Schedule 8 to the Bill.
para 9(9)	-	Addition of provision that regulations may impose requirements on planning authorities relating to publicity for applications for periodic reviews.	26C.2(iv)	Ensures consistency with the equivalent power in relation to applications for planning permission and applications to determine the conditions of minerals permissions.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
para 10(4)	-	Addition of power to make regulations to require the Welsh Ministers to give notice to applicants where their applications are called-in for determination.	26C.2(iv)	Ensures consistency with the corresponding provision in relation to applications for planning permission. Change is consistent with LC 383 Rec. No. 8-27.
para 11(7)	-	Addition of provision that any provisions in regulations made under section 58 of the Bill apply to appeals as they do to applications for minerals permissions.	26C.2(iv)	Ensures consistency with the equivalent provision in relation to appeals about applications to determine the conditions of minerals permissions.
para 13	1995, Sch 15, para 12(5) to (7)	Replacement of provision about electronic communications in relation to applications etc. with power to make regulations.	26C.2(iv)	Ensures consistency of approach with the provisions relating to applications for planning permission.
<i>Section 105 – Compensation for refusal or conditional grant of planning permission previously granted by order</i>				
(3)	1990, s. 107(1) (as applied by s. 108(1)); SI 1992/1492, reg 12	Requirement for compensation claim to be made in writing and period for claiming compensation moved from regulations to section, and day on which the period begins clarified.	26C.2(iv)	The provisions are important and have not changed for a long time. The time limit is considered unlikely to change, but section 391 of the Bill preserves the Welsh Ministers' power to change it in case it is required in future.
(9)	1990, s. 108(4); 2004, s. 40(2)(h) (repealed by 2011, Sch 12 para 29)	Restatement of section 108(4) of the 1990 Act includes the reference to a local development order that would have been inserted by section 40(2)(h) of the 2004 Act.	26C.2(iv)	Section 40(2)(h) of the 2004 Act, which inserted a reference to a local development order into section 108(4) of the 1990 Act, was repealed by the 2011 Act shortly before section 40 was brought fully into force in Wales by SI 2012/1100. The intention must have been that the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				amendment to section 108(4) should take effect in Wales.
-	1990, s. 108(3A); 2004, Sch 6 para 6 (not yet in force)	Omission of provision excluding right to compensation where (a) development had begun before permission granted by an order was withdrawn, and (b) the order permits the development to be completed.	26C.2(iii)	The provision has not been brought into force. It is not needed because sections 107 and 108 of the 1990 Act would already produce the same result, and there would be no need for compensation if the order permitted completion of the development.
-	1990, s. 108(5)	Omission of provision that regulations under section 108 of the 1990 Act may specify descriptions of development by reference to classes of development specified in a development order.	26C.2(iii)	The provision is not needed because there is nothing to suggest that regulations under section 108 of the 1990 Act could not specify descriptions of development in this way.
<i>Section 106 – Compensation where planning permission is modified or revoked</i>				
(3)	1990, s. 107(1); SI 1992/1492, reg 12	Requirement for compensation claim to be made in writing and period for claiming compensation moved from regulations to section, and day on which the period begins clarified.	26C.2(iv)	The provisions are important and have not changed for a long time. The time limit is considered unlikely to change, but section 391 of the Bill preserves the Welsh Ministers' power to change it in case it is required in future.
(4)	-	Addition of provision stating that the restatement of section 107 of the 1990 Act does not apply where planning permission to develop a statutory undertaker's operational land is modified or revoked.	26C.2(ii)	Clarifies the scope of the section to reflect the fact that the restatements of sections 279 and 280 of the 1990 Act (in sections 319 and 321 of the Bill) make separate provision about compensation for

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				statutory undertakers in these circumstances.
-	1990, s. 107(4)	Omission of requirement for compensation for depreciation to be assessed on the assumption that planning permission would be granted for development specified in Schedule 3 to the 1990 Act.	26C.2(iii)	The assumption was part of the system under the 1947 Act in which a "development charge" was payable. The Town and Country Planning Act 1954 abolished that system, which removed the reason for the assumption. The courts have expressed the view that the assumption should have been repealed at the same time (see <i>Canterbury City Council v Colley</i> [1992] 3 PLR 56 (Court of Appeal) and [1993] AC 401 (House of Lords)).
<i>Schedule 10 – Apportionment and recovery of compensation for depreciation</i>				
para 2(3) to (5)	1990, s. 109(3); SI 1974/1242, reg 7(1), (3) and (4)	Provisions about referring apportionment disputes to the Upper Tribunal moved from regulations to the section, and power to make regulations omitted.	26C.2(iv)	The provisions in the regulations are important and have not changed for a very long time. Although they are hard to understand (because they originally applied to a wider range of compensation claims), they add very little to the wording of the powers in section 109(3) of the 1990 Act.
para 3(1) and (3)	1990, s. 110(1)	Amendment of provision about giving notice to the Welsh Ministers that compensation is payable, to require the notice to identify the planning decision or order in question and the land to which the compensation relates.	26C.2(iv)	Ensures that the provision refers to the information that a notice would have to include to be understood, and that it is consistent with the requirements for compensation notices that the Welsh Ministers must send to local authorities.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
para 4	1990, s. 111(5)	Amendment of provision that prohibits development until compensation has been recovered, to omit an exception for development specified in Schedule 3 to the 1990 Act.	26C.2(iii)	Consequential on the omission of section 107(4) of the 1990 Act, which would prevent compensation being payable in respect of development specified in Schedule 3 (see notes on section 106 of the Bill).
<i>Schedule 11 – Compensation for changes to planning permission for minerals development</i>				
<i>Part 1 – Compensation where planning permission is withdrawn, modified or revoked</i>				
Whole Part	SI 1995/2863, reg 1(2) and (3) and Sch; SI 1997/1111, reg 3	Provisions about compensation for modification or revocation of minerals permissions moved from regulations to the Bill.	26C.2(iv)	The provisions in the regulations modify section 107 of the 1990 Act and have not changed for a long time.
para 2(2)(b)	SI 1997/1111, reg 2(a)(ii)	Amendment of condition that refers to an order modifying or replacing a restriction on working rights, by omitting references to how the restriction was imposed.	26C.2(ii)	Clarifies that the condition relates to the modification or replacement of any restriction on working rights.
para 2(3)	SI 1997/1111, reg 3(2)(b)	Omission of condition referring to whether the permission that has been modified was granted before 22 February 1982.	26C.2(iii)	The condition is not needed because there is also a condition referring to whether the permission was granted less than 5 years before it was modified or revoked. That would always be the case for a permission granted before 22 February 1982.
<i>Part 2 – Compensation following periodic review of minerals permissions</i>				
para 3(3)	SI 1992/1492, reg 12	Requirement for compensation claim to be made in writing and period for claiming compensation moved from regulations to	26C.2(iv)	The provisions are important and have not changed for a long time. The time limit is considered unlikely to change, but

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		the Bill, and day on which the period begins clarified.		section 391 of the Bill preserves the Welsh Ministers' power to change it in case it is required in future.
Section 110 – Service of purchase notice where planning permission is refused, revoked or made conditional				
(2)	1990, s. 137(2), 147A(a)	Requirement to serve purchase notice on a council or National Park authority replaced with requirement to serve it on the planning authority (including a joint planning board).	26C.2(v)	Ensures purchase notice is served on the authority that made the decision or order that gave rise to the notice. Gives effect to LC Letter Rec. No. 3 and corresponds to a change made in section 109 of the 2023 Act.
Schedule 12 – Purchase notices				
Part 1 – Introductory				
para 1(3)	1990, s. 138	Provision about development that is an “unauthorised prospective use of land” amended to omit exceptions referring to development specified in Schedule 3 to the 1990 Act and the condition in Schedule 10, and to state that planning permission must not have been granted or promised.	26C.2(ii), (iii)	Clarification of section 138 of the 1990 Act to reflect its interpretation by the courts (see <i>Hudscott Estates (East) Ltd v Secretary of State for the Environment, Transport and the Regions</i> (2001) 82 P&CR 8 and R (<i>Stafford Borough Council v Secretary of State for Communities and Local Government</i> [2011] EWHC 936 (Admin)). Corresponds to a change made in section 109 of the 2023 Act.
para 1(4)	-	Addition of provision that land is not unusable if its condition results from a breach of planning control and certain other conditions are met.	26C.2(ii)	Clarification on the basis of the Court of Appeal's decision in <i>Balco Transport Services v Secretary of State for the Environment</i> (No. 2) [1986] 1 WLR 88, and paragraph 18 of Welsh Office Circular

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				22/83, <i>Purchase Notices</i> . Corresponds to a change made in section 109 of the 2023 Act.
Part 2 – Service of purchase notice				
para 4(1)	-	Addition of provision that a purchase notice must relate to all of the land to which the planning decision or order relates (and no other land).	26C.2(ii)	Clarification on the basis of <i>Wain v Secretary of State for the Environment</i> (1982) 262 EG 337, <i>Cook and Woodham v Winchester City Council</i> (1994) 69 P&CR 99 and paragraphs 7 and 9 of Welsh Office Circular 22/83, <i>Purchase Notices</i> .
para 4(2)	1990, s. 137(2); SI 1992/1492, reg 12(2)	Period for serving purchase notice moved from regulations to section, and day on which the period begins clarified.	26C.2(iv)	This is an important provision that has not changed for a long time (if ever) and is considered unlikely to change.
para 4(3)	-	Addition of provision that, in a case relating to a refusal or conditional grant of planning permission, if there is an appeal to the Welsh Ministers the period for serving a purchase notice begins when they decide the appeal.	26C.2(ii)	Clarification in accordance with LC 383 Rec. No. 11-5. Corresponds to a change made in section 111 of the 2023 Act.
para 4(4)	1990, s. 137(2); SI 1992/1492, reg 12(2)	Power to extend period for serving a purchase notice moved from regulations to the section.	26C.2(iv)	This is an important provision that should be in the same place as the provisions specifying the period for serving a notice.
para 4(6) and (7)	-	Addition of provision that a purchase notice may not be amended but that further notices may be served in place of earlier notices.	26C.2(ii)	Clarification on the basis of the Court of Appeal's decision in <i>White v Herefordshire Council</i> [2008] 1 WLR 954, in accordance with LC 383 Rec. No. 11-6. Corresponds

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				to a change made in section 111 of the 2023 Act.
<i>Part 3 – Action following service of purchase notice and effect of notice</i>				
para 6(6)	-	Addition of requirement for the Welsh Ministers to have regard to the development plan when considering whether to grant planning permission or direct that it should be granted.	26C.2(ii)	Clarifies how the “development plan duty” applies to these functions, to reflect how the duty is currently understood, in accordance with the Welsh Government response to LC 383 Rec. No. 5-1.
para 6(7) to (9)	-	Addition of provisions about the types of planning permission that may be granted and the provisions that apply where permission is granted.	26C.2(ii)	Clarifies the types of permission that may be granted and the effect of such a permission. Improves consistency with other provisions about granting planning permission.
para 7(1)	1990, s. 142(1)	Restatement of section 142 of the 1990 Act amended to state that it applies only where a purchase notice relates to a decision to refuse planning permission or grant permission subject to conditions.	26C.2(iv)	Part 9 of the 1971 Act seems to have inadvertently changed the scope of this provision (which had first been enacted as section 32 of the Town and Country Planning Act 1968). The change corrects that mistake.
para 9(3)	1990, s. 143(2)	Words added to make clear that the provision applies only where a purchase notice has been sent to the Welsh Ministers.	26C.2(ii)	Clarification to reflect the Court of Appeal’s decision in <i>White v Herefordshire Council</i> .
		Amendment of provision about action that prevents deemed confirmation of a purchase notice, so that notification that Ministers “do not propose to” confirm the	26C.2(iv)	Corrects an anomaly for which no reason has been identified (see comments of Willis J in <i>Sheppard v Secretary of State for the Environment</i> [1975] 1 EGLR 133).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		notice will not be sufficient, only a decision not to confirm it.		
para 9(5)(b)	1990, s. 143(4)(b)	Amendment of list of appeals that pause the period for taking action on a purchase notice, to include appeals against hazardous substances contravention notices.	26C.2(iv)	Ensures that the provision deals consistently with cases where an appeal has been made under the Bill, the 2023 Act or the Planning (Hazardous Substances) Act 1990.
para 11(2)	-	Addition of provision that, if a purchase notice is withdrawn, a notice to treat that is treated as having been served is to be treated as having been withdrawn.	26C.2(ii)	Reflects how the existing provisions are understood and makes them consistent with the equivalent provisions about counter-notices relating to agricultural land (see paragraph 14(6) of the Schedule) and blight notices (see section 341(3) of the Bill).
para 14(8)	1990, s. 146(7)	Amendment of provision about assessing the compensation payable where land is acquired pursuant to a counter-notice, by replacing the requirement to assess the compensation on the assumptions mentioned in section 5 of the Land Compensation Act 1973 with a requirement to assess it on the assumption that planning permission would not be granted.	26C.2(iii)	The change has the effect of removing the assumption that permission would be granted for development specified in Schedule 3 to the 1990 Act. This reflects the fact that Schedule 3 no longer plays any part either in determining whether land is usable (see notes on paragraph 1(3) of Schedule 12 to the Bill) or in assessing compensation for compulsory purchase (as a result of amendments made to section 15 of the 1961 Act by section 232 of the 2011 Act).
Section 111 – Register of local development orders, planning applications etc.				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(1)(c)	1990, s. 69(1)	List of applications to be included in a register amended to include applications for approval of reserved matters.	26C.2(ii)	Clarifies the scope that the existing provision is understood to have. Development orders have required registers to include applications for approvals for many years (e.g. SI 1977/289, art 21; SI 1995/419, art 25; SI 2012/801, art 29).
(1)(e)	1990, s. 69(1); 1991, Sch 2 para 3(2) and 9(1)	List of applications to be included in a register amended to include applications to determine the conditions of minerals permissions under the 1995 Act.	26C.2(iv)	Improves consistency by ensuring that registers include information about all applications relating to the terms of planning permissions.
PART 4 – ENFORCEMENT				
Section 112 – Expressions used in connection with enforcement				
(3)(b)	1990, s. 336(1) (definition of “use”) and Sch 16, Parts 1 and 2; SI 1995/2863, reg 2	General definition of “use” of land restated for certain purposes with a modification relating to mining operations that is currently set out in regulations.	26C.2(ii), (iv)	Clarifies the cases in which the definition applies. The modification relating to mining operations is moved from regulations to the Bill because the regulations modify the effect of primary legislation.
-	1990, s. 171A(3)	Omission of provision that references to “planning permission” in this Part include permission under the 1947 Act, 1962 Act and 1971 Act.	26C.2(iii)	Provision is not required because previous saving provisions have ensured that planning permission under earlier Acts continued to have effect as if granted under later Acts (and see now section 35(4) of the 2019 Act and Schedule 5 to the Consequential Provisions Bill).
Section 113 – Time limits for taking enforcement action				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(1) (second row of Table)	1990, s. 171B(2)	Reference to change of use to “use as a single dwellinghouse” replaced with reference to change to use as a dwelling or as a different number of dwellings.	26C.2(ii)	Clarifies that the 4-year time limit applies to any change to use as a dwelling and to any subdivision or merger of dwellings. Reflects effect of existing provision as interpreted by the courts (e.g. in <i>Van Dyck v Secretary of State for the Environment</i> [1993] 1 PLR 124).
(2)(b)	1990, s. 171B(4)(b)	Provision about how previous enforcement action affects time limits amended by omitting wording requiring the previous enforcement action to have been taken by the local planning authority.	26C.2(ii)	Clarifies that an enforcement notice issued by the Welsh Ministers has the same effect on time limits as one issued by a planning authority. Under section 144 (restating section 182 of the 1990 Act) an enforcement notice issued by Ministers has the same effect as one issued by a planning authority.
<i>Section 114 – Power of planning authority to serve enforcement investigation notice</i>				
(3)(a)	1990, s. 171C(1)	Addition of wording requiring a notice to specify the matters the authority considers may be a breach of planning control.	26C.2(ii)	Clarifies requirement to “serve notice to that effect” in section 171C(1) of the 1990 Act; ensures consistency with provisions about contents of other notices under this Part.
<i>Section 116 – Powers to enter land for enforcement purposes</i>				
(1)(b), (c) and (d)	1990, s. 196A(1)(b), (c) and (d)	Omission of references to entering land for purposes relating to the exercise of enforcement powers “in relation to the land or any other land”.	26C.2(iii)	The references to the land in relation to which the enforcement powers would be exercised are unnecessary and do not place any limit on the powers of entry.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(2)	1990, s. 196A(2)	Addition of power for the Welsh Ministers to authorise entry on land to determine whether a stop notice should be issued.	26C.2(iv)	Rectifies an anomaly. Under Part 7 of the 1990 Act, the Welsh Ministers may issue enforcement notices and serve stop notices, while planning authorities have a wider range of enforcement powers. Both were previously able to authorise entry under section 324(1) in connection with any proposal to issue or serve a notice under Part 7 (including a stop notice). Section 11 of the 1991 Act gave planning authorities wider powers of entry but replaced the Welsh Ministers' power with the power in section 196A(2) that is limited to determining whether an enforcement notice should be issued. No reason for omitting the reference to stop notices has been identified. The only reason given for the changes made by the 1991 Act was to broaden the powers of entry of planning authorities: see Carnwath, <i>Enforcing Planning Control</i> (1989), chapter 7 paragraph 2.1; HL Deb vol 524 col 1358-1360 (13 January 1991).
(3)	1990, s. 196A(3)	Addition of wording identifying the planning authority that must be consulted before the Welsh Ministers authorise entry to determine whether an enforcement notice or stop notice should be issued.	26C.2(ii)	Clarifies that the authority to be consulted is the one in whose area the land to which the notice would relate is situated (not the authority in whose area the land to be entered is situated, if they

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				are different). Reflects how the existing provision is understood to work.
(6)(a)	1990, s. 196C(1)(a)	Addition of wording to identify the persons who may demand evidence of authority from a person exercising a power of entry.	26C.2(ii)	Clarifies the effect the existing provision is understood to have.
<i>Section 117 – Warrant to enter land</i>				
(5)(a)	1990, s. 196C(1)(a)	Addition of wording to identify the persons who may demand evidence of authority from a person exercising a power of entry.	26C.2(ii)	Clarifies the effect the existing provision is understood to have.
<i>Section 119 – Power of planning authority to issue enforcement warning notice</i>				
(2)	-	Addition of requirement for a planning authority to have regard to the development plan when considering whether there is a reasonable prospect of planning permission being granted.	26C.2(ii)	Clarifies how the “development plan duty” applies to functions under this section, to reflect how the duty is currently understood, in accordance with the Welsh Government response to LC 383 Rec. No. 5-1.
(5)	-	Addition of prohibition on issuing more than one enforcement warning notice in respect of the same breach of planning control.	26C.2(v)	Prevents repeated use of enforcement warning notices to extend the period for taking enforcement action, in accordance with LC 383 Rec. No. 12-4 and LC Letter Rec. No. 4.
<i>Section 120 – Power of planning authority to issue temporary stop notice</i>				
(4)	-	Addition of option to display a copy of a temporary stop notice as near as reasonably practicable to the land in question if	26C.2(ii)	Reflects existing practice and clarifies effect of requirements (on the basis that legislation is not interpreted as requiring impossible or absurd results).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		displaying it on the land is not reasonably practicable.		
(5)(a)	1990, s. 171E(4)(a)	Addition of express power for planning authority to serve copy of notice on a person it thinks is "causing or permitting" the activity prohibited by the notice (as well as the person "carrying out" the activity).	26C.2(iv)	Fills a gap and reflects usual practice in relation to serving temporary stop notices. Service on persons causing or permitting the activity ensures that a notice is served on everyone who would be liable for a breach of the notice under section 123.
Section 121 – Restrictions on power to issue temporary stop notice				
(2)	1990, s. 171F(2)	Amendment of description of activities that a temporary stop notice may not prohibit, to refer to activities that have been carried out for 4 years "before" the day the notice is displayed instead of 4 years "ending with" that day.	26C.2(iv)	Removes an anomaly. The period currently includes the day the notice is displayed. At the moment when the notice is put up, it will not be possible to know that the activity will continue for the rest of the day (and the notice will require it to stop immediately).
Section 123 – Offence of breaching temporary stop notice				
(1)	1990, s. 171G(1)	Offence amended to omit reference to a temporary stop notice having been served on the defendant and refer only to the notice having taken effect (i.e. a copy having been displayed).	26C.2(ii)	Clarifies and simplifies provision in accordance with LC 383 Rec. No. 12-7(1). Avoids an anomaly by ensuring that a temporary stop notice cannot give rise to criminal liability before it has taken effect.
Section 124 – Compensation for loss or damage caused by temporary stop notice				
(1)(c)	1990, s. 171H(1)(c)	Addition of wording stating that, where a temporary stop notice is withdrawn, the	26C.2(iv)	Removes an anomaly by ensuring that compensation cannot be claimed if a temporary stop notice is withdrawn

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		compensation provisions apply only if it is withdrawn "after it has taken effect".		before anyone is required to comply with it.
(3)	1990, s. 171H(4)	Reference to person who has interest when notice is served replaced with reference to person who has interest when notice takes effect (i.e. when it is first displayed).	26C.2(iv)	Removes an anomaly by ensuring that the right to claim compensation does not depend on the notice having been served. A notice takes effect when it is first displayed, and there is no requirement to serve copies.
(7)	1990, s. 171H(5), 186(3); SI 1992/1492, reg 12	Requirement for compensation claim to be made in writing and periods for claiming compensation moved from regulations to section, and days on which the periods begin clarified.	26C.2(iv)	The provisions are important and have not changed for a long time. The time limits are considered unlikely to change, but section 391 of the Bill preserves the Welsh Ministers' power to change them in case it is required in future.
<i>Section 128 – Power of planning authority to issue enforcement notice</i>				
(5), (6)	1990, s. 173(3) and (4)	Amendment of provision about purposes for which enforcement notice may require steps to be taken (or activities stopped), to refer to "either or both" of the purposes specified in the next subsection rather than "any of" those purposes. Amendment of the provision setting out the purposes, to omit "or" between the two purposes.	26C.2(ii)	Clarifies that an enforcement notice may impose requirements for both of the purposes set out in section 173(4) of the 1990 Act, in accordance with LC 383 Rec. No. 12-9. Reflects how section 173(3) and (4) of the 1990 Act have been interpreted by the courts (see <i>Secretary of State for the Environment, Transport and the Regions v Wyatt Bros (Oxford) Ltd</i> [2002] PLCR 18, at [22]).
<i>Section 130 – Variation and withdrawal of enforcement notice</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(4)	-	Provision added to clarify that requirement to give notice of variation or withdrawal of enforcement notice only applies where enforcement notice had been served.	26C.2(ii)	Sets out effect that provision is already understood to have. There would be no need to serve notice of withdrawal of an enforcement notice if no copies of the enforcement notice had been served.
<i>Section 131 – Right to appeal against enforcement notice</i>				
(5)	1990, s. 174(2F)	Omission of paragraph (a) of section 174(2F) of the 1990 Act, which refers to the Welsh Ministers exercising their power under section 79(6) to decline to determine an appeal.	26C.2(iii)	Consequential on omission of section 79(6) of the 1990 Act from the Bill (see notes on section 77 of the Bill).
(8)	1990, s. 174(4)	Omission of requirement for appellant's statement to set out grounds of appeal, so that all requirements relating to contents of statement can be put in regulations.	26C.2(iv)	Section 174(4) of the 1990 Act specifies one matter to be included in the statement but provides for the others to be specified in regulations. The change ensures that all the contents of the statement are set out in regulations, which is appropriate as these are matters of detail. Avoids duplication and gives effect to LC 383 Rec. No. 12-14.
<i>Section 132 – Determination of appeal: general</i>				
(4)(b), (5)	1990, s. 175(1), (2) and 176(3)(b)	Separate power to make procedural regulations for appeals against enforcement notices replaced with signpost to general power to make procedural regulations for planning appeals. Provision about non-	26C.2(iii)	Avoids duplication of powers. The specific power has been superseded by the general power to make procedural regulations for appeals to the Welsh Ministers in section 323A of the 1990 Act (restated in section 367 of the Bill).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		compliance with regulations reworded to refer to regulations under general power.		
<i>Section 133 – Grant of planning permission etc. on determination of appeal</i>				
-	1990, s. 177(5) and (6)	Omission of provision that an appellant who argues that planning permission should be granted is deemed to have made an application for planning permission.	26C.2(iii)	Simplifies the provisions without changing their practical effect. The concept of a deemed application is not widely understood and is unnecessary. Omitting it gives effect to LC 383 Rec. No. 12-12(1).
-	1990, s. 177(5A)	Omission of provision that a deemed application for planning permission lapses if notice is given requiring payment of a fee and the fee is not paid.	26C.2(iii)	Omitting the provision is a consequence of giving effect to LC 383 Rec. No. 12-12(1). Any replacement for the provision will be left to regulations, to avoid duplication and ensure consistency of approach. In all other cases the effect of failing to pay a fee would be dealt with in regulations under section 303 or 303ZA of the 1990 Act (restated in sections 360 and 364 of the Bill).
<i>Section 134 – Issue of certificate of lawfulness on determination of appeal</i>				
(3), (4)	1990, s. 177(1A) and (1B)	Amendment of list of provisions that apply to a certificate of lawfulness issued on an appeal against an enforcement notice, to omit the restatement of section 191(7) of the 1990 Act and include the restatements of section 193(5) and (8).	26C.2(ii)	Omission of reference to section 191(7) is consequential on moving that provision to the other Acts to which it is relevant (see paragraph 35(c) of Schedule 2, and paragraph 4(b) of Schedule 3, to the Consequential Provisions Bill). Addition of references to restatements of section 193(5) and (8) (i.e. sections 159(4) and

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				163(3) and (4) of this Bill) clarifies how those provisions are understood to apply to a certificate granted on an appeal.
(6)	1990, s. 194(2) as applied by s. 177(1A) and (1B)	Amendment of provision about offence of making false statement or withholding information, to omit option of imprisonment on conviction on indictment.	26C.2(v)	Ensures penalties for similar offences are consistent. Gives effect to LC 383 Rec. No. 12-24 and LC Letter Rec. No. 7.
Section 135 – Order to permit steps required by enforcement notice				
Whole section	1936, s. 289; 1990, s. 178(3)(b), (4); SI 1992/1492, reg 14(1)	Omission of power to apply section 289 of the 1936 Act with modifications, and restatement of section 289 (as modified) in the Bill.	26C.2(iii), (iv)	The provisions of section 289, as modified, are moved into the Bill because they are important and how they apply has not changed for a very long time (going back at least to SI 1974/596). Including them in the Bill gives effect to LC 383 Rec. No. 18-13(2). Section 178(4) of the 1990 Act confers a further power to modify section 289 of the 1936 Act for a specific purpose, but that power has never been used and is not considered necessary so it is omitted.
Section 136 – Power to enter land and take steps required by enforcement notice				
(1)	1990, s. 178(1)(a)	Addition of requirement that power to enter land to take steps must be exercised “at any reasonable time”.	26C.2(ii)	Clarifies when power may be exercised. Ensures consistency with other powers of entry in the Bill.
Section 137 – Recovery of costs of compliance with enforcement notice				
(2), (3)	1936, s. 294; 1990, s. 178(3)(c); SI	Omission of power to apply section 294 of the 1936 Act with modifications, and	26C.2(iv)	Moved to the Bill because the provisions are important and how they apply has

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
	1992/1492, reg 14(1)	restatement of section 294 (as modified) in the Bill.		not changed for a very long time (going back at least to SI 1974/596). Gives effect to LC 383 Rec. No. 18-13(3).
(5)	1990, s. 178(5); SI 1992/1492, reg 14(2)	Provision for costs of works to be a charge on the land moved from regulations to section, and regulation-making power omitted.	26C.2(iv)	Moved because of importance of provision and for consistency with other provisions about recovery of costs.
(7), (8)	1936, s. 276; 1990, s. 178(3)(a); SI 1992/1492, reg 14(1)	Omission of power to apply section 276 of the 1936 Act with modifications, and restatement of section 276 (as modified) in the Bill.	26C.2(iv)	Moved to the Bill because the provisions are important and how they apply has not changed for a very long time (going back at least to SI 1974/596). Gives effect to LC 383 Rec. No. 18-13(1).
	1936, s. 276(3); 1990, s. 178(3)(a); SI 1992/1492, reg 14(1)	Restatement of section 276 of the 1936 Act (power to sell materials removed from land and duty to account to owner) omits subsection (3), which provides that the section does not apply to "refuse" removed by a local authority.	26C.2(iii)	The exclusion of refuse seems to have been intended to avoid conflict between section 276 and other provisions of the 1936 Act that allowed authorities to sell refuse they collected without requiring them to account for the proceeds. It seems irrelevant and unnecessary where an authority has removed materials in the course of taking steps required by an enforcement notice.
<i>Section 139 – Assurance that person is not at risk of prosecution for offence under section 138</i>				
(3)	-	Addition of power for planning authority to give non-prosecution notice to person who was not served with a copy of the enforcement notice.	26C.2(v)	Fills a gap in the provisions and gives effect to LC 383 Rec. No. 12-22(2) and LC Letter Rec. No. 5.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
<i>Section 141 – Effect of grant of planning permission on enforcement notice</i>				
(1)	1990, s. 180(1)	Provision amended to apply where an enforcement notice has been issued, not served; wording added to state that grant of planning permission prevents notice that has not taken effect from taking effect.	26C.2(ii), (iv)	Corrects an anomaly and clarifies that the section applies whether or not the notice has already taken effect. No reason has been identified for the section to apply only once a notice has been served.
<i>Section 143 – Continuing effect of enforcement notice in relation to later development</i>				
(1)	1990, s. 181(1)	Omission of examples of ways in which an enforcement notice might have been complied with.	26C.2(iii)	The examples are not required to aid understanding of the provision.
(2)	1990, s. 181(2)	Omission of statement that a notice requiring a use of land to be discontinued requires it to be discontinued permanently.	26C.2(iii)	The statement is unnecessary. As the words “Without prejudice to subsection (1)” imply, it is merely describing one of the consequences flowing from subsection (1).
		Reference to use in contravention of Part 3 of the 1990 Act changed to refer to use that constitutes a breach of planning control.	26C.2(ii)	Clarifies effect of provision. A breach of planning control relates to the requirement for planning permission. It does not include breaches of a discontinuance order or planning obligation, which are not relevant to the effect of an enforcement notice.
(3)	1990, s. 181(3), (4)(a)	Amendment of provision about effect of an enforcement notice in relation to reinstated or restored buildings or works, to add statement that reinstatement or restoration	26C.2(ii)	Clarifies effect of provision. An enforcement notice only has effect in relation to a breach of planning control (e.g. it will not apply if planning permission is granted).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		must constitute or form an integral part of a breach of planning control.		
<i>Section 144 – Power of the Welsh Ministers to issue enforcement notice</i>				
(1) and (2)	1990, s. 182(1)	Inclusion of wording from section 172(1) of the 1990 Act and section 38(6) of the 2004 Act setting out circumstances in which the Welsh Ministers may issue an enforcement notice and the effect of the duty to have regard to the development plan.	26C.2(ii)	Clarifies that the Welsh Ministers' power to issue an enforcement notice is available in the same circumstances, and is subject to the same considerations, as the power of the planning authority. Restates development plan duty in accordance with Welsh Government response to LC 383 Rec. No. 5-1.
(5)	1990, s. 182(4)	Amendment of provision treating certain references to a planning authority as referring to the Welsh Ministers, so that (i) it applies to all sections of the Bill about enforcement notices, and (ii) references relating to assurances about prosecution are treated as referring to the Counsel General.	26C.2(ii)	Change (i) clarifies that the modification must be intended to apply to all references to a planning authority relating to enforcement notices. Change (ii) reflects the fact that in practice functions relating to prosecutions are exercised by the Counsel General rather than the Welsh Ministers (except where functions are specifically reserved to the Welsh Ministers): see the Welsh Government Prosecution Code (WG33906, January 2018).
<i>Section 145 – Power of planning authority to issue stop notice</i> <i>Section 147 – Service and display of stop notice</i>				
145(1), 147(1) and (2)	1990, s. 183(1) and (6)	Provision for a planning authority to “serve” stop notices on certain persons	26C.2(iv)	Ensures consistency with provisions about temporary stop notices and

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		replaced with provision for an authority to "issue" a stop notice and serve copies on those persons.		enforcement notices. Avoids difficulties (e.g. in relation to criminal liability) that might arise if multiple stop notices were served and took effect on different dates. Gives effect to first limb of LC 383 Rec. No. 12-17.
147(7)	-	Addition of option to display a site notice as near as reasonably practicable to the land to which a stop notice relates if displaying it on the land is not reasonably practicable.	26C.2(ii)	Reflects existing practice and clarifies effect of requirements (on the basis that legislation is not interpreted as requiring the impossible or absurd). Reflects the principle of the second limb of LC 383 Rec. No. 12-17.
<i>Section 148 – Withdrawal of stop notice</i>				
<i>Section 149 – Duration and effect of stop notice</i>				
148(1), (2) and 149(3)(b)	1990, s. 183(7) and 184(7)	Power to withdraw a stop notice by serving notice of withdrawal replaced with: a power to withdraw the stop notice, a provision that it ceases to have effect when withdrawn, and a requirement to immediately serve and display notice of the withdrawal.	26C.2(ii)	Clarifies the point in time when a stop notice that is withdrawn ceases to have effect. Reflects the reality that the notice should be ignored once the decision to withdraw it has been made. Gives effect to LC 383 Rec. No. 12-19.
<i>Section 150 – Power of the Welsh Ministers to issue stop notice</i>				
(1)	1990, s. 185(1)	Inclusion of wording from section 183(1) of the 1990 Act setting out circumstances in which the Welsh Ministers may issue a stop notice.	26C.2(ii)	Clarifies that the Welsh Ministers' power to issue a stop notice is available in the same circumstances as the power of the planning authority.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(4)	-	Addition of provision treating references to a planning authority in sections about stop notices as referring to the Welsh Ministers.	26C.2(ii)	Clarifies that the Welsh Ministers have the same functions in relation to stop notices they issue as planning authorities have in relation to stop notices they issue.
<i>Section 151 – Offence of breaching stop notice</i>				
(1)	1990, s. 187(1), (1B) and 185(2)	Addition of requirement that a stop notice must have taken effect before an offence of breaching the notice can be committed.	26C.2(iv)	Avoids an anomaly by ensuring that only a stop notice that has taken effect can give rise to criminal liability. Partially gives effect to LC 383 Rec. No. 12-18(1).
<i>Section 152 – Compensation for loss or damage caused by stop notice</i>				
(1)(c) and (2)(b)	1990, s. 186(1)(c)	Amendment of provisions for compensation to be payable where an enforcement notice is withdrawn otherwise than in consequence of the grant of planning permission, by omitting references to the notice being withdrawn by the planning authority and to the grant of permission by the authority.	26C.2(v)	Ensures that compensation is payable where a stop notice ceases to have effect as a result of the Welsh Ministers withdrawing an enforcement notice. This change, together with the amendment imposing liability to pay compensation on the Welsh Ministers if they issued the enforcement notice (see below), gives effect to LC 383 Rec. No. 12-20 and LC Letter Rec. No. 6.
(2)(b)		Addition of provision that withdrawal of an enforcement notice in consequence of the grant of planning permission will only remove an entitlement to compensation if the permission is granted on or after the day the enforcement notice is served.	26C.2(ii)	Clarifies which grants of planning permission affect a person's entitlement to compensation, and makes the wording of the provisions more consistent with those for temporary stop notices in section 171H(2) and (3) of the 1990 Act.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(5)	1990, s. 186(1)(c) and (2)	Provision about who must pay compensation amended to require the Welsh Ministers to pay compensation where they issued the enforcement notice to which the stop notice relates.	26C.2(v)	Ensures that any liability to pay compensation is imposed on the person who issued the enforcement notice and stop notice. This change, together with amendments in subsections (1)(c) and (2)(b), gives effect to LC 383 Rec. No. 12-20 and LC Letter Rec. No. 6.
(7)	1990, s. 186(5)(b)	Amendment of provision excluding compensation for losses that could have been avoided by providing information or otherwise co-operating with the planning authority, to include references to providing information or co-operating in any other way with the Welsh Ministers.	26C.2(iv)	Removes an anomaly. The powers to require information mentioned in section 186(5)(b) of the 1990 Act include the power in section 330, which is also exercisable by the Welsh Ministers. Section 186(5) originally required account to be taken of non-compliance with notices under section 330 regardless of who served them. When it was amended by section 5(3) of the 1991 Act to include references to other powers to require information, a reference to the local planning authority was added. No reason has been identified for this change, which appears to exclude cases where Ministers serve notices under section 330. The aim of the recommendation that led to section 5(3) of the 1991 Act was to reflect the wider information-gathering powers of planning authorities: see Carnwath, <i>Enforcing Planning Control</i> (1989), chapter 7 paragraph 2.7.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(8)	1990, s. 186(3); SI 1992/1492, reg 12	Requirement for compensation claim to be made in writing and periods for claiming compensation moved from regulations to section, and days on which the periods begin clarified.	26C.2(iv)	The provisions are important and have not changed for a long time. The time limits are considered unlikely to change, but section 391 of the Bill preserves the Welsh Ministers' power to change them in case it is required in future.
PART 5 – CERTIFICATES OF LAWFULNESS				
Section 160 – Right to appeal against refusal of application or failure to make decision				
(4)(a)	1990, s. 195(1B)	Addition of paragraph stating that regulations may make provision about the form of a notice of appeal (in addition to provision about how it must be served).	26C.2(ii)	Clarifies the wording to reflect the scope that the power in section 195(1B) of the 1990 Act is understood to have. Article 28(1) of SI 2012/801 makes provision under that power about the form of a notice of appeal.
-	1990, s. 195(5A)	Omission of provision that, for the purposes of certain provisions relating to appeals, an authority that has failed to determine an application for a certificate of lawfulness must be assumed to have refused it.	26C.2(iii)	The deeming provision is not needed. It applies to section 288(10)(b) of the 1990 Act, which is restated in section 376(9) of the Bill in a way that avoids the need for a deeming provision. It also says that it applies to section 319B(7)(d) of the 1990 Act, but it is not needed in relation to that provision.
Section 161 – Restriction on varying application after service of notice of appeal				
(2)	1990, s. 195(1DB)	Requirement for development order to provide for such further consultation as the Welsh Ministers consider appropriate replaced with provision on the face of the	26C.2(iv)	Simplifies the provisions and clarifies how a requirement for further consultation would be imposed. The provision currently made in article 26C(2)

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		Bill enabling the Welsh Ministers to give a direction requiring further consultation.		of SI 2012/801 adds very little to the duty in section 195(1DB) of the 1990 Act.
<i>Section 162 – Determination of appeal</i>				
-	1990, s. 196(2)	Omission of provision requiring the Welsh Ministers to notify the planning authority if they issue a certificate of lawfulness on an appeal under section 195 of the 1990 Act.	26C.2(iv)	This is a procedural matter that is dealt with in regulations. Regulation 49 of SI 2017/544 puts a general duty on the Welsh Ministers to notify the planning authority (and other parties) of their decisions on all appeals under the 1990 Act. Omitting the duty from the Bill avoids duplication and ensures a consistent approach.
<i>Section 163 – Revocation of certificate of lawfulness</i>				
(2)	1990, s. 193(7)	Addition of power for the Welsh Ministers to revoke a certificate of lawfulness that they have issued on appeal, if a false statement was made or information was withheld in connection with the appeal.	26C.2(iv)	Rectifies an anomaly. If the Welsh Ministers issue a certificate of lawfulness on an appeal against an enforcement notice, section 177(1A) of the 1990 Act enables them (instead of the planning authority) to revoke it. There is no equivalent provision for a certificate issued on an appeal under section 195. The change ensures that the power to revoke rests with the authority that issued the certificate, and to which a false statement was made or from which information was withheld.
(4)	1990, s. 193(8)	Addition of paragraph stating that regulations about the revocation of	26C.2(ii)	Clarifies the wording to reflect the scope that the power in section 193(8) of the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		certificates of lawfulness may make provision about giving notice and receiving representations relating to a proposed revocation.		1990 Act is understood to have. Article 28(15) and (16) of SI 2012/801 already make provision about these matters under that power.
<i>Section 164 – Offence of making false statement etc. to influence outcome of application or appeal</i>				
(1)	1990, s. 194(1)	Offences relating to making false statements to influence the outcome of applications for certificates of lawfulness extended to apply to appeals.	26C.2(v)	Makes a small extension of the offence to cover other cases that should be treated in the same way. Gives effect to LC Letter Rec. No. 8.
(2)	1990, s. 194(2)(b)	Removal of option of imprisonment on conviction on indictment for an offence under section 194(1) of 1990 Act.	26C.2(v)	Makes penalties for various similar offences more consistent. Gives effect to LC 383 Rec. No. 12-24 and LC Letter Rec. No. 7.
-	1990, s. 194(3)	Omission of provision purporting to disapply the prosecution time limit in section 127 of the Magistrates' Courts Act 1980 in relation to offences under section 194(1) of the 1990 Act.	26C.2(iii)	The provision is not required because offences under section 194(1) are triable either way. The prosecution time limit in section 127 of the Magistrates' Courts Act 1980 does not apply to indictable offences (i.e. ones that are triable either way or triable only on indictment).
<i>PART 6 – OBLIGATIONS RELATING TO DEVELOPMENT AND USE OF LAND</i>				
<i>Section 165 – Planning obligations</i>				
(9)	1990, s. 106(10)	Addition of wording stating that it is the parties to a planning obligation who must give a copy of it to the enforcing authority, and that they are only required to do so if the authority is not itself a party.	26C.2(ii)	Clarifies the circumstances in which the duty to give a copy to the enforcing authority applies, and the persons who are responsible for complying with the duty.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
<i>Section 166 – Enforcement of planning obligations</i>				
(10)	1990, s. 106(12) (closing words)	Provision that sections 106 and 106A of the 1990 Act have effect subject to regulations about charging sums on land replaced with provision that any charge has effect despite the terms of a planning obligation and any modification or discharge of the obligation.	26C.2(ii)	Clarifies the effect of the provision by identifying more precisely the matters that are subject to the provisions of any regulations that create a charge on the land.
(11)	1990, s. 336(8)	Omission of section 336(8)(a) of the 1990 Act, about the meaning of references to a person from whom title is derived. Restatement of section 336(8)(b) and (c), about the meaning of references to a person deriving title from another person, only in relation to planning obligations.	26C.2(ii), (iii)	There are no references to which paragraph (a) of section 336(8) applies, so it should have been omitted from the 1990 Act (and from earlier consolidations). The only reference to which paragraphs (b) and (c) apply is in section 106(3) of the 1990 Act, so restating them with section 106(3) makes their effect clearer.
<i>Section 167 – Modification and discharge of planning obligations</i>				
(9)	1990, s. 106A(9)	Power to make provision about specified matters relating to applications restated as a general power to make provision about applications with those matters listed as examples.	26C.2(iv)	Makes the power more consistent with other powers in the 1990 Act to make provision about applications, in particular those in section 62(1) (for planning applications) and 202D(7) (for applications for consent under tree preservation regulations).
<i>Section 168 – Appeals relating to applications to modify or discharge planning obligations</i>				
(4)	1990, s. 106B(3)	Addition of wording stating that regulations relating to notices of appeal	26C.2(ii)	Clarifies that these matters, which are currently addressed in regulation 7 of SI

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		may make provision about the form of a notice and how it must be served, and may enable the Welsh Ministers to extend the period for serving a notice of appeal.		1992/2832, are within the powers to make regulations under section 106B(3) of the 1990 Act about the “manner” in which and period within which a notice of appeal must be served. Enables the powers relating to different appeals to be more consistent.
-	1990, s. 106B(5)	Omission of requirement for the Welsh Ministers to hold a hearing before determining an appeal, if the applicant or enforcing authority so wish.	26C.2(iv)	Consequential on the inclusion of appeals under section 168 of the Bill in the list of appeals to which section 366 of the Bill (choice of procedure) applies. See notes on section 366 of the Bill.
<i>Section 171 – CIL regulations</i>				
-	2008, s. 205(3)	Omission of introductory table summarising the provisions about community infrastructure levy (CIL).	26C.2(iii)	Table is not considered helpful, as it does no more than the table of contents.
<i>Section 172 – Charging for development</i>				
(1)	2008, s. 206(1)	Amendment of provision empowering a charging authority to charge CIL in respect of development in its area so that it is restated as a requirement for CIL regulations to provide for any CIL in respect of chargeable development in an area to be charged by the charging authority for the area.	26C.2(ii) and (iv)	Section 206(1) of the 2008 Act suggests an independent power to charge, but the existence of CIL is left to regulations that need not be made. The change avoids this suggestion, clarifying the effect of the existing law, and improving consistency.
(2)	2008, s. 209(1)	Amendment of definition of “development” in section 209(1) of the 2008 Act for the	26C.2(ii)	This change clarifies the meaning of development in all the provisions on CIL.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		purpose of section 208 of the 2008 Act, so that it defines “chargeable development” and applies to the Chapter.		
(2)(c)	-	Addition of a reference to a change in use of a building in the definition of “chargeable development”.	26C.2(ii)	Section 209(2) of the 2008 Act includes a power for regulations to provide for a change in use not to be treated as development. In the absence of such provision, a change in use is treated as development for the purposes of the CIL provisions in the 2008 Act. This change makes this clearer.
(5)	2008, s. 206(4)	Amendment of power in section 206(4) of the 2008 Act to make regulations allowing for a county council or county borough council to be a charging authority for an area, so that it is a power to make regulations allowing a county council or county borough council to be a charging authority for any part of its area for which a National Park authority or joint planning board is the planning authority.	26C.2(ii)	Section 206(4) of the 2008 Act appears to allow for a county council or county borough council for one area to be a charging authority for another area, but does not in fact do so because section 206(1) of the 2008 Act allows a charging authority to charge only for development of land in its area. The provision is concerned with where a National Park authority (or joint planning board) is the planning authority. The change makes this clearer.
<i>Section 175 – Assuming liability</i>				
-	2008, s.208(2)(a)	Omission of section 208(2)(a) of the 2008 Act, which provides that an assumption of liability may be made before development commences.	26C.2(iii)	The provision is considered unnecessary because section 208(3) of the 2008 Act provides for the effect of assuming liability before development commences,

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				so it is clear that liability can be assumed before development begins. (Section 208(3) of the 2008 Act is restated in section 175(2) of the Bill.)
<i>Section 177 – Time when liability arises</i>				
(1)	2008, s.208(6)	Amendment of provision for the amount of liability for CIL to be calculated by reference to the time at which planning permission first permits the development, by adding a reference to the charging schedule that has effect at that time.	26C.2(ii)	The change clarifies that it is the charging schedule in place at the relevant time that will determine how liability will be calculated. This avoids any doubt as to which charging schedule applies if it has been revised.
<i>Section 179 – Further provision about liability for CIL</i>				
(2)	2008, s. 208(5)	Addition of requirement for regulations making provision about withdrawal of assumption of liability to include provision about default liability.	26C.2(iv)	Section 208(5)(c) and (f) of the 2008 Act requires regulations making provision about assumption of partial liability or cancellation of assumption of liability to include provision about default liability. The consequence of assumption of partial liability or cancellation of assumption of liability is similar to that of withdrawal of assumption of liability. The lack of a similar requirement in the case of withdrawal appears to be an oversight. The change ensures that there is no gap and that similar cases are treated consistently.
<i>Section 180 – Exemptions and reductions: general</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
Whole section	2008, s. 210 in part	Expansion of power to make regulations providing for exemptions from liability for CIL and reductions in liability for CIL for institutions established for charitable purposes, so that it is a general power to provide for exemptions and reductions.	26C.2(ii)	Section 210 of the 2008 Act enables CIL regulations to provide for exemptions from liability and reductions in liability for institutions established for charitable purposes. Other than that section, there is no express power in the 2008 Act to make provision about exemptions and reductions. There is a power in section 222(1)(c) of the 2008 Act to make exceptions, and a power in section 211(6)(f) for a charging schedule to make provision for differential rates (including nil rates and reductions). In addition, sections 208(8) and 220(3) are in very general terms and clearly contemplate exemptions and reductions other than just those for charities. The change clarifies the effect of the provisions in relation to exemptions and reductions.
<i>Section 186 – Collection and payment of CIL</i>				
(6)	2008, s. 217(6)	Amendment of provision enabling replication or application of any enactment relating to the collection of tax so that it is limited to enactments relating to the collection of local taxes.	26C.2(iv)	Limiting the ability to replicate or apply enactments to those relating to the collection of local taxes seems more appropriate as CIL is similar to a local tax. A wider power would allow the application of enactments relating to the collection of non-devolved taxes, which seems neither appropriate nor necessary.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
<i>Section 187 – Enforcement: general</i>				
(2)(a)	2008, s. 218(6)(a)	Amendment of provision enabling replication or application of any enactment relating to the enforcement of a tax so that it is limited to enactments relating to the enforcement of local taxes.	26C.2(iv)	Limiting the ability to replicate or apply enactments relating to the enforcement of local taxes seems more appropriate as CIL is similar to a local tax. A wider power would allow the application of enactments relating to the enforcement of non-devolved taxes, which seems neither appropriate nor necessary.
<i>Section 192 – Offences</i>				
(1)(a)	2008, s. 218(4)(g)	Omission of list of examples from the provision enabling regulations to create a criminal offence.	26C.2(iii)	Not considered helpful or necessary (the examples are the sort of things that provision about offences would include without the need to particularise).
<i>Section 194 – Compensation: loss or damage as a result of enforcement action</i>				
(1)	2008, s. 219(2)(a) and (b)	Omission of examples in provision explaining what is meant by enforcement action.	26C.2(iii)	Not considered helpful or necessary (the provision contains a cross reference to all the other provisions about enforcement, so there is no need for more).
(8)	2008, s. 219(7)	Power to modify section 4 of the 1961 Act in connection with disputes about compensation replaced by provision setting out the modifications.	26C.2(iv)	The modifications needed to apply section 4 of the 1961 Act to determinations about compensation in connection with CIL are set out, instead of providing for a power to modify that section in its application. It is clearer to set the modifications out as they are the only ones needed.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
<i>Section 200 – Reviews and appeals</i>				
(1)	2008, s. 208(5), 215(3) and 218(6)(b)	Replacing specific provisions about appeals with a general power to make provision about appeals and reviews in relation to CIL.	26C.2(ii)	Sections 208(5) and 218(6)(b) of the 2008 Act enable regulations to include provision about appeals in relation to decisions about apportionment of liability and enforcement. For the former, further detail is included in section 215(3) of the 2008 Act (and section 215 also requires provision for appeals in relation to calculation of CIL). The wide powers to make regulations under the 2008 Act enable provision to be made about reviews and appeals of decisions relating to CIL. This is made clearer by replacing the specific provisions with a general power in relation to appeals and reviews.
<i>Section 201 – Power to make further provision about procedures</i>				
-	2008, s. 220(4) to (6)	Omission of section 220(4) to (6) of the 2008 Act, which provides that express powers about procedure include the power to make general provision about procedure, that powers to provide for publication includes a power to provide for inspection, and that general provisions about service of documents in the 2008 Act do not apply to CIL Regulations.	26C.2(iii)	The subsections are not considered necessary. There is nothing to suggest that general powers in section 220(2) of the 2008 Act cannot be used alongside specific powers to make provision about procedures. Section 201(2)(d) of the 2008 Act can be relied upon to make provision about inspection and section 201(g) and (h) of the 2008 Act is sufficient to make provision about service of notices and documents.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
<i>Section 202 - Guidance</i>				
Whole section	2008, s. 221	Restated duty to have regard to guidance, but not the power to give guidance.	26C.2(iii)	Not considered necessary as the Welsh Ministers can give guidance on matters relating to CIL without the need for an express power.
<i>Schedule 13 - Community Infrastructure Levy: charging schedules</i>				
para 4	2008, s. 211(7)	Amendment of power for charging authorities to consult or take other steps in connection with the preparation of a charging schedule, subject to regulations, so that it is a power to require consultation in the regulations.	26C.2(ii)	The change clarifies the effect of the words in brackets in section 211(7) of the 2008 Act and removes unnecessary provision (charging authorities can consult about the charging schedule without the need for an express power to do so).
para 5	2008, s. 211(7B)	Omission of examples in section 211(7B) of the 2008 Act about provision that may be made by regulations in connection with duty to use appropriate evidence to prepare charging schedule.	26C.2(iii)	Not considered helpful or necessary.
para 9	2008, s. 213(1A)	Omission of provision preventing a charging authority from approving a charging schedule if an examiner recommends rejection.	26C.2(iii)	Paragraph 9(1) of Schedule 13 (restating section 213(1) of the 2008 Act) provides that a charging authority can approve a charging schedule only if the examiner recommends approval. It is therefore not necessary also to provide that a charging authority cannot approve it if an examiner recommends rejection.
PART 7 - OTHER POWERS RELATING TO USE OR CONDITION OF LAND				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
<i>Section 206 – Power to make discontinuance order</i>				
(2) to (4)	1990, s. 102(1) and 104	Inclusion of wording from section 102(1) of the 1990 Act setting out circumstances in which the Welsh Ministers may make a discontinuance order.	26C.2(ii)	Clarifies that the Welsh Ministers' power to make a discontinuance order is available in the same circumstances, and is subject to the same considerations, as the power of the planning authority.
(5)(a), (b) and (d) and (8)(c)	1990, s. 102(8) and Sch 9, para 1(1)(a)	Omission of reference to discontinuance orders being made in relation to a use of land for “development” consisting of the winning and working of minerals or the depositing of waste.	26C.2(ii)	Ensures consistency and clarifies that discontinuance orders may be made in relation to any use of land, whether or not “development” (though there is no change in effect in relation to mining operations given that each act of extraction constitutes development).
(7)	1990, s. 102(6)	Extension of requirement to secure alternative provision for displaced persons so that it also applies in relation to discontinuance orders made in relation to mining operations or depositing waste.	26C.2(iv)	Ensures consistency of approach in relation to all discontinuance orders. Although it appears unlikely that discontinuance orders made in relation to mining operations or depositing waste could involve the displacement of persons from premises in which they live, the same requirements relating to securing alternative accommodation should apply if they do.
<i>Schedule 14 – Discontinuance orders</i>				
para 1(8)	1990, s. 103(7) and Sch 9 para 1(3)	Addition of requirement for planning authority to serve a copy of a	26C.2(ii) and (iv)	Including reference to owners and occupiers who were served with notice under paragraph 1(2), in addition to the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		discontinuance order that is confirmed by the Welsh Ministers on – (a) every person who was served with notice under paragraph 1(2) that the order was being submitted for confirmation, and (b) anyone else the planning authority thinks will be affected by the confirmed order.		owners and occupiers at the time the order is confirmed, adds clarity on the meaning of “the owner and occupier” in section 103(7) of the 1990 Act. The addition of the requirement to serve a copy of the order on any other person the authority thinks will be affected by the order at the time it is confirmed removes an anomaly in that such persons must be given notice under paragraph 1(2) of the order being submitted for confirmation, but not of the orders being confirmed. This addition also increases consistency with the Bill’s requirements relating to giving notice of the confirmation of prohibition and protection orders (which restate paragraph 3 onwards of Schedule 9 to the 1990 Act), and with the procedure for serving notice of the variation or withdrawal of enforcement notices.
para 2(6)(b)	1990, s.103(7) and 104(8) and Sch 9, para 11(7)	Addition of requirement for the Welsh Ministers to serve a copy of a discontinuance order that they make on – (a) every person who was served with notice of the proposed order under paragraph 2(2), and (b) anyone else the Welsh Ministers think will be affected by the order.	26C.2(ii)	Including reference to owners and occupiers who were served with notice under paragraph 2(2), in addition to the owners and occupiers at the time the order is made, adds clarity on the meaning of “the owner and occupier” in section 103(7) of the 1990 Act, as applied and modified by section 104(8).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				The addition of the requirement to serve a copy of the order on any other person the Welsh Ministers think will be affected by the order at the time it is made removes an anomaly in that such persons must be given notice of the proposed order, but not of the orders being made. This addition also increases consistency with equivalent procedures in the Bill about other types of orders.
<i>Section 207 – Planning permission granted by discontinuance order</i>				
(3)(b)	1990, s. 102(4) and 104(8)	Addition of provision that discontinuance orders made by the Welsh Ministers may grant planning permission for development carried out before the day the Welsh Ministers serve notice of the making of a proposed order.	26C.2(ii)	Clarifies how it is understood section 102(4) of the 1990 Act applies in practice when applied and modified by section 104(8) for the purposes of planning permission granted by discontinuance orders made by the Welsh Ministers.
(5)	-	Addition of provision that Schedule 3 of the Bill (aftercare conditions etc.) applies, with any necessary modifications, in relation to a planning permission granted by the Welsh Ministers as it applies to a planning permission granted by a planning authority.	26C.2(ii)	Clarifies the understanding of the current law; that the provisions of Schedule 5 to the 1990 Act relating to aftercare conditions apply to planning permissions granted by discontinuance orders. Also ensures consistency with the equivalent provision in section 133 of the Bill on planning permission granted by the Welsh Ministers on appeals against enforcement notices.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(6)	1990, s. 102(2A)	Addition of provision that section 69 of the Bill (decision notices) applies to planning permission granted by discontinuance orders relating to mining operations or depositing waste (as it already applies to all other planning permissions granted by discontinuance order).	26C.2(iv)	Rectifies an anomaly created by the insertion by the 2015 Act of provision about decision notices in section 102 of the 1990 Act but not in Schedule 9 to that Act.
<i>Schedule 15 – Prohibition orders and protection orders</i>				
para 1(3)(a) and 5(3)(a)	1990, Sch 9 para 3(1)(a) and 5(1)(a)	Omission of reference to prohibition orders and protection orders being made in relation to a use of land for “development” consisting of the winning and working of minerals or the depositing of mineral waste.	26C.2(ii)	Ensures consistency and clarifies that prohibition orders and protection orders may be made in relation to any use of land for depositing mineral waste (in the same way that discontinuance orders may be made in relation to any use of land, including for depositing waste). There is no change in effect in relation to mining operations given that each act of extraction constitutes development.
para 1(6)(a)	1990, Sch 9 para 3(3)(a) and 11(2)	Addition of reference to requirements to “take steps” for the alteration or removal of plant or machinery (not requirements for the alteration or removal of plant or machinery).	26C.2(ii)	Ensures consistency with the corresponding provision in section 206(5)(d) relating to discontinuance orders.
para 2(7)(b) and (8)(b)	1990, Sch 9 para 4(6) and 7(4)	Addition of requirement for planning authority to serve a copy of prohibition orders and protection orders that are confirmed by the Welsh Ministers on every owner and occupier of the land in question,	26C.2(iv)	Ensures consistency and increases fairness by requiring notice of the confirmation to be given to every person that has an interest at the time when the orders are confirmed, not just those that

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		and any other person the authority thinks will be affected by the order, at the time the orders are confirmed (i.e. not just the persons that were entitled to receive notice of the order being submitted to the Welsh Ministers for confirmation).		had an interest when the orders were made.
para 3(6)(b) and 7(6)(b)	1990, Sch 9 para 4(6) and 11(7)	Addition of requirement for the Welsh Ministers to serve copies of prohibition orders and protection orders that they make on every owner and occupier of the land in question, and any other person the Welsh Ministers think will be affected by the orders, at the time the orders are made (i.e. not just the persons that were entitled to receive notice of the proposed orders).	26C.2(iv)	Ensures consistency and increases fairness by requiring notice of the making of an order to be given to every person that has an interest at the time when the orders are made, not just those that had an interest when notice was given of the proposed orders.
para 4(2)	-	Addition of provision that a prohibition order does not affect planning permission for mining operations or depositing of mineral waste carried out before the order takes effect.	26C.2(ii)	Clarifies that a prohibition order does not retrospectively affect planning permission for mining operations etc. that were carried out before the order takes effect. Ensures consistency with the equivalent provision in section 98(8) of the Bill relating to termination orders.
-	1990, Sch 9 para 6	Omission of provision about "supplementary suspension orders"	126C.2(iii)	The provisions of the 1990 Act about supplementary suspension orders are unnecessary and are omitted; such orders do no more than revoke or vary the effect of existing orders. Their effect is provided

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				for in the Bill's provisions about protection orders. The power to make a protection order includes power to revoke or vary all or part of a previous order, and there is nothing to prevent more than one order being made in relation to the same land.
para 6(9)	-	Addition of provision that where a protection order made by a planning authority takes effect without being confirmed by the Welsh Ministers (because it does no more than revoke an existing order), the authority must serve notice of the making of the order on every owner and occupier of the land concerned and any other person the authority considers will be affected by the revocation.	26C.2(v)	Change is a minor improvement to fill a gap in the procedure so that all interested parties are notified of the revocation of protection orders that affect land in which they have an interest. Change gives effect to LC Letter Rec. No. 14.
para 7(8)	1990, Sch 9 para 11(7)	Addition of provision that where the Welsh Ministers make a protection order that does no more than revoke an existing protection order, they must serve a copy of the order on the planning authority, every person who is an owner or occupier of the land when the order is made, and any other person who the Welsh Ministers think will be affected by the order.	26C.2(v)	Change is a minor improvement to fill a gap in the procedure so that all interested parties are notified of the revocation of protection orders that affect land in which they have an interest. Change gives effect to LC Letter Rec. No. 14.
para 10(5) and (10)	1990, Sch 9 para 10(9)	Addition of provisions to require notice to be given to owners etc. of land where a protection order relating to the land is	26C.2(v)	The addition of paragraph 10(5) is a minor improvement to fill a gap in the procedure so that all interested parties are

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		revoked after the resumption of mining operations etc. to a substantial extent. Paragraph 10(5) applies where the protection order is revoked by a planning authority and paragraph 10(10) applies where the order is revoked by the Welsh Ministers.		notified of the revocation of protection orders that affect land in which they have an interest. Change gives effect to LC Letter Rec. No. 14. The addition of reference in paragraph 10(10) to notifying owners etc. of the land and any other person the Welsh Ministers think will be affected by the revocation is consistent with LC Letter Rec. No. 14 and is made for the same reasons.
<i>Section 209 – Power to enter land, take steps required by order and recover costs</i>				
(2)	1990, s. 190(2)	Addition of provision that power of entry must be exercised “at any reasonable time”.	26C.2(ii)	Clarifies existing practice that power of entry would be exercised at a reasonable hour and ensures consistency with other provisions in the Bill relating to entry to land.
(4) and (5)	1936, s. 276; 1990, s. 190(5).	Restatement of section 276(1) and (2) of the 1936 Act on the face of the Bill rather than their application by reference. Section 276(3), which provides that the section does not apply to “refuse” removed by a local authority, is omitted.	26C.2(ii) and (iii)	Restating the provisions in the Bill produces a clearer statement of the law. The exclusion of refuse by section 276(3) seems intended to avoid any conflict between section 276 and other provisions of the 1936 Act allowing waste to be sold. It does not seem relevant or necessary where an authority has removed materials in the course of taking steps required by an order.
<i>Section 210 – Offence of failing to comply with order</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(4)	1990, s. 189(4)	Omission of the reference to the commission of the offence "by himself or by any person under his control".	26C.2(iii)	Omitted words are unnecessary and do not add anything to offence provision.
<i>Section 211 - Compensation for damage caused by discontinuance order</i>				
(4)	1990, s. 115(2) and (3); SI 1992/1492, reg 12	Requirement for compensation claim to be made in writing and periods for claiming compensation moved from regulations to section, and days on which the periods begin clarified.	26C.2(iv)	The provisions are important and have not changed for a long time. The time limits are considered unlikely to change, but section 391 of the Bill preserves the Welsh Ministers' power to change them in case it is required in future.
<i>Schedule 16 - Compensation for effect of orders relating to minerals</i>				
Whole Schedule	1990, s. 116(1)(b); SI 1997/1111	Moving of provisions about compensation for discontinuance orders relating to mining operations and depositing of waste, prohibition orders and protection orders from SI 1997/1111 to the Bill. The provision in regulation 7 of SI 1997/1111 that sets the amount by which compensation payable should be reduced (currently £7800 or an appropriate portion of that amount) is not moved to the Bill and the relevant amount will continue to be set in regulations.	26C.2(ii)	Restating the provisions in the Bill produces a clearer statement of the law. The regulations made in exercise of the power (SI 1997/1111) have remained unchanged for a long time.
para 1(2)(b)	SI 1997/1111 reg 4(2)(a)(ii)	Amendment of condition that refers to an order modifying or replacing a restriction on working rights, by omitting references to how the restriction was imposed.	26C.2(ii)	Clarifies that the condition in paragraph 1(2)(b) relates to the modification or replacement of any restriction on working rights.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
para 3(3)	SI 1992/1492, reg 12	Requirement for compensation claim to be made in writing and periods for claiming compensation moved from regulations to the Bill, and days on which the periods begin clarified.	26C.2(iv)	The provisions are important and have not changed for a long time. The time limits are considered unlikely to change, but section 391 of the Bill preserves the Welsh Ministers' power to change them in case it is required in future.
<i>Section 213 – Service of purchase notice following making of discontinuance order</i>				
(2)	1990, s. 137(2) and 147A(a)	Requirement to serve purchase notice on a council or National Park authority replaced with requirement to serve it on the planning authority (including a joint planning board).	26C.2(v)	Ensures purchase notice is served on the authority that made the order that gave rise to the notice. Gives effect to LC Letter Rec. No. 3.
<i>Section 214 – Power of planning authority to issue maintenance of land notice</i>				
(1) and (5)	1990, s. 215(1)	Addition of reference to maintenance of land notice being “issued” with copies “served” on every owner of the relevant land.	26C.2(iv)	Improves clarity and accessibility of procedure relating to maintenance of land notices. Change is in accordance with LC 383 Rec. No. 16-3(2)
(2)	1990, s. 217(1)(b)	Addition of provision that planning authority may not issue maintenance of land notice where the condition of land results in the ordinary course of events from operations that do not breach planning control etc.	26C.2(ii)	Clarifies the practical effect of the similarly-worded ground of appeal in section 215(2)(b) of the Bill; a planning authority would need to be satisfied of the matter mentioned in section 214(2) anyway, or any notice issued would be liable to successful appeal under section 215. Change is in accordance with LC 383 Rec. No. 16-1(2).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(3)(b) and (4)	1990, s. 215(3) and (4)	Addition of provision requiring maintenance of land notice to specify the date on which it is to take effect, not the period at the end of which it is to take effect.	26C.2(ii)	Clarifies and increases maintenance of land notices' accessibility. Change is in accordance with LC 383 Rec. No. 16-3(1).
(6)	1990, s. 215(4)	Addition of provision that each copy of a maintenance of land notice must be served "before the end of 28 days after the day the notice is issued".	26C.2(v)	Change is consequential on the new requirement to "issue" and "serve" copies of notices and is in accordance with LC Letter Rec. No. 10.
(7)	-	Addition of provision that regulations may require planning authorities to serve explanatory notes about the right to appeal under section 215.	26C.2(v)	Change improves accessibility of maintenance of land notice regime and is consistent with the insertion of an equivalent provision in relation to tree replacement notices. Change is in accordance with LC Letter Rec. No. 12.
<i>Section 216 – Determination of appeal</i>				
(1)(b)	1990, s. 217(4) and (5)	Addition of provision that in determining an appeal, the Welsh Ministers may vary the terms of the maintenance of land notice being appealed, if they are satisfied that the variation will not cause injustice to the appellant or the planning authority. This replaces the provision that the Welsh Ministers may vary the terms of the notice in favour of the appellant.	26C.2(v)	Change increases consistency with other appeals provisions, including in relation to tree replacement notices. Change is in accordance with LC Letter Rec. No. 13.
<i>Section 217 – Grounds for appeal not to be raised in other proceedings</i>				
-	1990, s. 285(4)	Omission of provision that some subsequent owners or occupiers of land	26C.2(iii)	Omission of very limited exception to the general prohibition in order to ensure

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		may, in limited circumstances, rely on the grounds of appeal in section 217(1)(a) or (b) of the 1990 Act in non-appeal proceedings (despite the general prohibition on doing so in section 285(3) of that Act).		consistency of approach in respect of all subsequent owners of the land. The exception appears anomalous and appears to have been related to the previous “wasteland notice” regime, under which the offence of continuing or aggravating injury to amenity could be committed by anyone (not just owners and occupiers).
<i>Section 218 – Order to permit steps required by maintenance of land notice</i>				
Whole section	1936, s. 289; 1990, s. 219(3)(b); SI 1992/1492, reg 14(1)	Omission of power to apply section 289 of the 1936 Act with modifications, and restatement of section 289 (as modified) in the Bill.	26C.2(iv)	Provision moved to Bill because of its importance and because how section 289 applies has not changed for a very long time. The change gives effect to LC 383 Rec. No. 18-13(2).
<i>Section 219 – Powers to enter land, take steps required by maintenance of land notice and recover costs</i>				
(1)	1990, s. 219(1)	Addition of provision that power of entry must be exercised “at any reasonable time”.	26C.2(ii)	Clarifies existing practice that power of entry would be exercised at a reasonable hour and ensures consistency with other provisions relating to entry to land.
(2) and (3)	1936, s. 294; 1990, s. 219(3)(c); SI 1992/1492, reg 14(1)	Omission of power to apply section 294 of the 1936 Act with modifications, and restatement of section 294 (as modified) in the Bill.	26C.2(iv)	Provisions moved to Bill because of their importance and because how they apply has not changed for a very long time. The change gives effect to LC 383 Rec. No. 18-13(3).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(5) and (6)	1990, s. 219(5)	Replacement of power to make regulations to the effect that costs recoverable by a planning authority are a charge on the land. Provision now provides that the costs are such a charge.	26C.2(iv)	Change made for consistency with equivalent provisions elsewhere in the Bill (see section 137).
(7) and (8)	1936, s. 276; 1990, s. 219(3)(a); SI 1992/1492, reg 14(1)	Omission of power to apply section 276 of the 1936 Act with modifications, and restatement of section 276 (as modified) in the Bill.	26C.2(iv)	Provisions moved to Bill because of their importance and because how they apply has not changed for a very long time. The change gives effect to LC 383 Rec. No. 18-13(1).
	1936, s. 276(3); 1990, s. 219(3)(a); SI 1992/1492, reg 14(1)	Restatement of section 276 of the 1936 Act omits subsection (3), which provides that the section does not apply to "refuse" removed by a local authority.	26C.2(iii)	The exclusion of refuse seems intended to avoid any conflict between section 276 and other provisions of the 1936 Act allowing waste to be sold. It does not seem relevant or necessary where an authority has removed materials in the course of taking steps required by a notice.
<i>Section 220 – Offence of failing to comply with maintenance of land notice</i>				
(1)	1990, s. 216(1) and (2)	Offence provision applies where "any step required by the notice has not been taken by the end of the period allowed for compliance", not where "any owner or occupier of the land on whom the notice was served fails to take steps required".	26C.2(ii)	Clarifies that the steps specified in a maintenance of land notice do not have to be taken by owners or occupiers themselves, and may be carried out on their behalf.
PART 8 – CONTROL OF ADVERTISEMENTS				
<i>Section 221 – Control of advertisements regulations</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(1)	1990, s. 220(1)	Omission of reference to regulations making provision “for” restricting or regulating the use of land in Wales for the display of advertisements.	26C.2(ii)	Clarifies that it will be the control of advertisements regulations themselves that will restrict or regulate, not any person under the regulations.
		Addition of reference to control of advertisements regulations making provision restricting or regulating “the use of land in Wales” for the display of advertisements.		Clarifies that control of advertisements regulations must relate to the use of land for the display of advertisements.
(2)(b)	1990, s. 220(2)(a)	Addition of reference to control of advertisements regulations making provision about the “land on or from which” advertisements may be displayed.	26C.2(ii)	Clarifies that the regulations may make provision about the land “from which” advertisements are displayed. Reflects how the existing provision is understood to work and (by referring to “land” rather than “sites”) gives effect to LC 383 Rec. No. 14-3.
Replacement of provision about applying and modifying particular provisions of the 1990 Act	1990, s. 220(2)(c) and (3)	Replacement of provision that regulations may, in relation to requiring consent for the display of advertisements, apply and modify any of the provisions listed in section 220(3) of the 1990 Act.	26C.2(ii)	Section 220(2)(c) and (3) of the 1990 Act provides that regulations making provision about consent for the display of advertisements may apply and modify particular provisions in Part 3 of the 1990 Act. The replacement of those provisions by sections 222 to 225 and 227, describing more directly what type of provision may be made by control of advertisements regulations, clarifies the extent of the power and increases accessibility. Change

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				is in accordance with LC 383 Rec. No. 14-6.
-	1990, s. 220(2)(d), (4) and (5)	Omission of provision in section 220(2)(d) of the 1990 Act about regulations making provision about consultation with advisory committees specified in the regulations, and provision in section 220(4) and (5) of that Act about the regulations providing that appeals against decisions relating to consent may be required to be determined by a tribunal established by the regulations.	26C.2(iii)	Provision is not required because it only specifies these types of provisions as examples of what the regulations may provide and, as set out in LC 383 Rec. No. 14-15, no provisions of these types have ever been made in exercise of the power.
(5)(a)	1990, s. 336(1) (definition of "advertisement")	In the definition of "advertisement" – (a) omission of the reference to any word, letter etc. in the nature of, and used for the purposes of, "advertisement"; (b) omission of references to something being used or designed etc. "for the display of advertisements".	26C.2(ii)	Clarifies the definition of "advertisement" by omitting the circular reference to something being "in the nature of advertisement" and, in accordance with LC 383 Rec. No. 14-2, replacing the circular references to the "display of advertisements" with a reference to the purposes of announcement, publicity or direction. The changes reflect how the existing provision is understood to work. The inclusion of the definition in the Part on the control of advertisements is in accordance with LC 383 Rec. No. 14-1.
	SI 1992/666, reg 2(1) (definition of "advertisement")	In the same definition, addition of clarification that "advertisement" does not	26C.2(iv)	Clarification on the meaning of "advertisement" moved from regulations to the Bill because it is important for

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		include anything used wholly as a memorial or a railway signal.		clarity and has remained in the same form for a long time (since at least 1948).
<i>Section 222 – Consent for the display of advertisements</i>				
(1)	1990, s. 220(1) and (2)(b)	Omission of reference to regulations being able to require the consent of “the local planning authority” for the display of advertisements.	26C.2(ii)	Clarification that the power to make regulations restricting or regulating the use of land for the display of advertisements would allow the regulations to make provision about requiring the consent of any person specified in the regulations, not just the planning authority.
(2), (4) and (5)	1990, s. 220(1), (2)(c) and (3)	Addition of provision setting out the type of provision that control of advertisements regulations may make about requiring consent for the display of advertisements.	26C.2(ii)	Clarification on the type of provision that control of advertisements regulations may make in relation to requiring consent for the display of advertisements, including in relation to applications for such consent. Such provision is currently in regulations 5 and 9 to 14 of SI 1992/666. Provision partly replaces section 220(2)(c) and (3) of the 1990 Act to set out more directly what type of provision may be made by control of advertisements regulations and the change is in accordance with LC 383 Rec. No. 14-6.
(3)(d)	1990, s. 327A	Addition of provision that control of advertisements regulations may make provision about the consequences of an	26C.2(ii)	Addition clarifies that control of advertisements regulations may continue the effect of section 327A of the 1990 Act.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		application for consent failing to comply with a requirement imposed by the regulations.		Providing for this issue to be dealt with in regulations reflects the fact that any requirements for applications for consent will be imposed by the regulations.
<i>Section 223 – Restricting the display of advertisements where express consent is not ordinarily required</i>				
Whole section	1990, s. 220(1), (2)(c) and (3)	Addition of provision setting out the type of provision that control of advertisements regulations making provision about requirements for consent may make about circumstances where consent is treated as having been given or is not required.	26C.2(ii)	Clarification on the type of provision that control of advertisements regulations may make in relation to circumstances where requirements for consent do not apply (either because consent is treated as having been given or because the requirements don't apply to specified types of advertisements). Such provision is currently in regulations 6 to 8 of SI 1992/666. Provision partly replaces section 220(2)(c) and (3) of the 1990 Act to set out more directly what type of provision may be made by control of advertisements regulations and the change is in accordance with LC 383 Rec. No. 14-6.
<i>Section 224 – Appeals</i>				
Whole section	1990, s. 220(1), (2)(c) and (3)	Addition of provision setting out the type of provision that control of advertisements regulations making provision about requirements for consent may make about appeals.	26C.2(ii)	Clarification on the type of provision that control of advertisements regulations may make in relation to appeals relating to consent (including appeals in relation to applications for consent, conditions subject to which consent is given, and

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				decisions to require the discontinuance of the display of an advertisement, despite consent e.g. being treated as having been given). Such provision is currently made in regulation 15 of SI 1992/666. Provision partly replaces section 220(2)(c) and (3) of the 1990 Act to set out more directly what type of provision may be made by control of advertisements regulations and the change is in accordance with LC 383 Rec. No. 14-6.
Section 225 – Changing or revoking consent				
Whole section	1990, s. 220(1), (2)(c) and (3)	Addition of provision setting out the type of provision that control of advertisements regulations making provision about requirements for consent may make about changing or revoking consent granted.	26C.2(ii)	Clarification on the type of provision that control of advertisements regulations may make in relation to changing or revoking consent. Such provision is currently made in regulation 16 of SI 1992/666. Provision partly replaces section 220(2)(c) and (3) of the 1990 Act to set out more directly what type of provision may be made by control of advertisements regulations and the change is in accordance with LC 383 Rec. No. 14-6.
Section 226 – Compensation				
Whole section	1990, s. 220(1)	Addition of provision setting out the type of provision that control of advertisements regulations making provision about	26C.2(ii)	Clarification on the type of provision that control of advertisements regulations may make in relation to compensation

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		requirements for consent may make about the payment of compensation.		(including in relation to where consent is refused or given subject to conditions, or is changed or revoked). Such provision is currently made in regulation 17 of SI 1992/666.
<i>Section 227 – Control of advertisements regulations: supplementary</i>				
Whole section	1990, s. 220(1), (2)(c) and (3)	Addition of provision setting out examples of supplementary provision that may be made by control of advertisements regulations making provision about requirements for consent.	26C.2(ii)	Clarification that control of advertisements regulations making provision about requirements for consent may make provision about the keeping of a register of applications for consent and may allow the Welsh Ministers to direct a planning authority to give them information for the purposes of the exercise of their functions. Such provisions are currently made in regulations 21 and 22 of SI 1992/666. Provision partly replaces section 220(2)(c) and (3) of the 1990 Act to set out more directly what type of provision may be made by control of advertisements regulations and the change is in accordance with LC 383 Rec. No. 14-6.
<i>Section 228 – Power to make different provision for different areas, including areas of special control</i>				
-	1990, s.221(1)(a) and (b) and (2)	Omission of provisions that refer to “conservation areas” and “experimental areas” as types of areas for which regulations may make special provision.	26C.2(iii)	Provisions are not required because they are only examples of areas in relation to which control of advertisements regulations may make special provision

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				under section 221(1), and no special provision has been made in relation to such areas for a long time (if ever, in the case of conservation areas). The omission of the provisions relating to experimental areas is in accordance with LC 383 Rec. No. 14-16.
(4)	1990, s. 221(3)	Replacement of the provision on the face of the 1990 Act that an area may only be designated as an area of special control if it is a rural area or an area that appears to the Welsh Ministers to require special protection, by a duty to include such a provision in any regulations that provide for areas of special control.	26C.2(iv)	Removes an anomaly by requiring the control of advertisements regulations themselves to provide that the Welsh Ministers may not make or approve an order designating an area of special control unless the area is a rural area or requires special protection (but only if the regulations make provision about areas of special control in the first place). Given that all the other provisions about approving etc. designation orders will be in the regulations, it is consistent and more accessible for the conditions that must be met before the Welsh Ministers may designate an area to also be in the regulations.
-	1990, s. 221(8) and (9)	Omission of provision that any regulations restricting or regulating the display of advertisements are required to include a transitional provision in order to postpone, for a specified period, the application of any	26C.2(iii)	Provision requiring transitional period is no longer required given the range of other legal safeguards that apply where new regulations are made to restrict or regulate advertisements that are being

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		new requirements to existing advertisements.		lawfully displayed at the time the regulations are made.
<i>Section 229 – Deemed planning permission for advertisements displayed in accordance with regulations</i>				
-	1990, s. 222(b)	Omission of provision that no application for planning permission is required for a development in relation to which planning permission is treated as having been granted (by reason of it complying with regulations restricting or regulating the display of advertisements).	26C.2(iii)	Provision is not required; it goes without saying that no application is needed where planning permission is treated as having been granted.
<i>Section 230 – Offence of displaying advertisements in breach of regulations</i>				
-	1990, s. 224(1) and (2)	Omission of provision enabling regulations to allow local planning authorities to require the removal of advertisements displayed in contravention of regulations or the discontinuance of the use of sites for the display of advertisements in contravention of the regulations.	26C.2(iii)	Provision is not required because there are more effective ways of ensuring that control of advertisements regulations are complied with, and the power has never been exercised since its original enactment in 1948. Omission is also in accordance with LC 383 Rec. No. 14-11.
(2)	1990, s. 224(3) and (4); SI 1992/666 reg 2(3)(c) and 27	Omission of provision in section 224(4) of the 1990 Act deeming particular types of people to be displaying advertisements. Addition of reference in the offence provision to the person who carries out or maintains the display of an advertisement.	26C.2(ii)	Clarification who can be guilty of an offence under section 224 by providing a comprehensive list, following the approach in the definition of “person displaying an advertisement” in regulation 2(3) of SI 1992/666 providing that a “person displaying an advertisement” in contravention of the regulations commits an offence. The

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				change is in accordance with LC 383 Rec. No. 14-4.
<i>Section 231 – Power to remove or obliterate placard and poster</i>				
(1)(b)	SI 1992/666 reg 4	Addition of provision that planning authority may only remove or obliterate a placard or poster that is being displayed in breach of control of advertisements regulations if it is appropriate to do so in the interests of amenity or public safety.	26C.2(iv)	Rectifies an anomaly since planning authorities' functions relating to advertisements are all, apart from this function, conferred or imposed directly by regulations that are made in the interests of amenity and public safety. The function of removing posters etc. under this section may only be exercised where those regulations aren't complied with, and requiring the function to be exercised in the interests of amenity and public safety increases the provisions' consistency. The change is also in accordance with LC 383 Rec. No. 14-14.
(4) and (7)	1990, s. 225(3)(b)	Splitting the requirements for the planning authority's notice of intention to remove poster etc. so that a poster may only be removed if notice is given of the intention to remove it, and costs incurred in removing the poster may only be recovered if notice is given of the intention to recover such costs.	26C.2(ii)	Clarifies that a failure to comply with the requirement for the planning authority to give notice of the intention to recover costs only prevents the authority from recovering costs; such a failure does not prevent the authority from removing etc. the poster in the first place.
(4)(b)		Addition of provision that, where a poster identifies a person responsible for its display, the period specified in the notice of intention to remove or obliterate a poster		Clarifies that the period specified in the notice as the period after the end of which the planning authority may remove the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		etc. must have expired before the planning authority may exercise the power.		poster etc. must have expired before the poster may be removed.
(5)	1990, s. 225(5)	Addition of text to make clear that the period specified in a notice of intention to remove a poster etc. must be at least 2 days beginning with the day after the day the notice is served.	26C.2(ii)	Clarifies that the 2-day period begins on the day after the day the notice is served. Reflects how the existing provision is understood to work.
PART 9 – PRESERVATION OF TREES AND WOODLANDS				
<i>Section 234 – Power of planning authority to make tree preservation order</i>				
(2)	1990, s. 198(1)	Addition of reference to “areas of trees”.	26C.2(ii)	Clarifies that tree preservation orders may relate to “areas of trees”. The addition is in accordance with LC 383 Rec. No. 15-3(1).
<i>Section 235 – Power of planning authority to make woodland preservation order</i>				
Whole section	1990, s. 198	Addition of provision about making of “woodland preservation order”.	26C.2(ii)	Clarifies that preservation orders relating to woodlands are of a slightly different nature to preservation orders relating to individual trees, groups of trees or areas of trees (and in particular, section 235(3) provides that woodland preservation orders apply to all the trees in the woodlands to which they relate, whether or not they were in existence when the orders were made). The addition is in accordance with LC 383 Rec. No. 15-3.
<i>Section 236 – Power of the Welsh Ministers to make tree preservation orders and woodland preservation orders</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(1), (2) and (3)	1990, s. 202(1)	Addition of reference to the Welsh Ministers making, or varying or revoking, the relevant preservation orders where they consider it appropriate to do so “in the interests of amenity”.	26C.2(ii)	Addition clarifies the meaning of the current requirement for the Welsh Ministers to consider it to be “expedient” to make a preservation order. Including express reference to the interests of amenity clarifies how it is understood that the current law operates and ensures consistency with the test that applies where planning authorities make preservation orders.
-	1990, s. 202(2)	Omission of provision that orders made by the Welsh Ministers, once they have taken effect in accordance with tree preservation regulations, have the same effect as if they had been made by the planning authority.	26C.2(iii)	Omission is on the basis that there is nothing in this Part to suggest that an order made by the Welsh Ministers has a different effect to one made by a planning authority, and the definition of “tree preservation order” and “woodland preservation order” in section 408 of the Bill includes orders made by the Welsh Ministers.
<i>Section 238 – Interests of amenity: factors to be taken into account</i>				
Whole section	1990, s. 202A(1)	Addition of provision that tree preservation regulations may make provision to specify factors that must be taken into account in determining whether it is appropriate in the interests of amenity to make preservation orders (or for the Welsh Ministers to vary or revoke an existing order).	26C.2(ii)	Provides for clarification of the factors to be taken into account in determining whether it is in the interests of amenity to e.g. make a tree preservation order. The addition is in accordance with LC 383 Rec. No. 15-2(3).
<i>Section 239 – Making, varying or revoking tree preservation orders and woodland preservation orders</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(1)	1990, s. 202B(1)	Addition of reference to tree preservation regulations making provision about content of preservation orders, the procedure for varying or revoking orders, and about publishing orders and making them available for public inspection.	26C.2(ii)	Clarifies that tree preservation regulations may make provision about the matters listed. Such provision is within the scope of the current power in section 202A of the 1990 Act to make "provision in connection with tree preservation orders".
<i>Section 241 – Consent for prohibited activities and appeals</i>				
(6)(d)	1990, s. 327A	Addition of provision that tree preservation regulations may make provision about the consequences of an application for consent failing to comply with a requirement imposed by the regulations.	26C.2(ii)	Addition clarifies that tree preservation regulations may continue the effect of section 327A of the 1990 Act. Providing for this issue to be dealt with in regulations reflects the fact that any requirements for applications for consent will be imposed by the regulations.
<i>Section 242 – Compensation</i>				
(5)	1990, s. 202E(6)	Omission of reference to disputes about compensation being determined by the First-tier Tribunal.	26C.2(iii)	Omission of provision on the basis that, in practice, all land compensation cases are dealt with by the Upper Tribunal and it is considered extremely unlikely that tree preservation regulations would make provision about the referral of disputes to the First-tier Tribunal instead.
<i>Section 244 – Tree preservation regulations: restriction relating to felling licences under the Forestry Act 1967</i>				
-	1990, s. 198(7)(a)	Provision in section 198(7)(a) of the 1990 Act that tree preservation regulations have effect subject to section 39(2) of the Housing	26C.2(iv)	The current exception relates to trees on land used for opencast coal mining. Moving the exception to regulations

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		and Planning Act 1986 is omitted from the Bill. Its effect is to be provided for in tree preservation regulations instead.		increases consistency of approach with other exceptions to the restrictions imposed by tree preservation regulations.
Section 245 – Replacement of trees: tree preservation orders				
(3)	1990, s. 206(3)	Addition of reference to planting replacement tree at “or near” the place where the original tree was situated.	26C.2(ii)	Clarification that replacement tree may be planted “at or near” the place where the original tree was situated, not just “at” that place (which, in some circumstances, may be impracticable or impossible). Change is in accordance with LC 383 Rec. No. 15-11.
Section 246 – Replacement of trees: woodland preservation orders				
(3)(b)	1990, s.206(3)	Addition of reference to planting “the best estimate that can reasonably be made of the number of trees removed, uprooted or destroyed”.	26C.2(iv)	Clarification, in accordance with LC 383 Rec. No. 15-11 and <i>Distinctive Properties (Ascot) v Secretary of State</i> [2015] EWCA Civ 1250, that where the number of trees removed etc. from a woodland is unknown, it may be necessary to plant the best estimate that can reasonably be made of the number of trees removed.
(4)(a)	1990, s. 206(1)	Addition of reference to planting replacement trees at “or near” the places where the original trees were situated.	26C.2(ii)	Clarification that replacement tree may be planted “at or near” the place where the original tree was situated, not just “at” that place (which, in some circumstances, may be impracticable or impossible). Change is in accordance with LC 383 Rec. No. 15-11.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
<i>Section 247 – Preservation of trees in conservation areas</i>				
(7)	1990, s. 211(3)(b) and (8)	Inclusion of provision that the exception in section 247(3)(b) to the prohibition on particular activities in section 247(1) only applies where the activity is carried out within 2 years of the notice of intention being served on the planning authority, even if the planning authority consents to the activity.	26C.2(iv)	Removing an anomaly that once the planning authority consents to the activity, there is no time limit on carrying out the activity. The change is in accordance with LC 383 Rec. No. 15-17(1).
<i>Section 248 – Replacement of trees in conservation areas</i>				
(3)	1990, s. 213(1)	Addition of reference to planting replacement tree at “or near” the place where the original tree was situated.	26C.2(ii)	Clarification that replacement tree may be planted “at or near” the place where the original tree was situated, not just “at” that place (which, in some circumstances, may be impracticable or impossible). Change is in accordance with LC 383 Rec. No. 15-11.
<i>Section 249 – Register of notices of intention to carry out works</i>				
(2)	1990, s. 214	Addition of provision that the Welsh Ministers may, by regulations, specify the information that is to be kept in the register and the way that it is to be kept (rather than, as is the case currently, allowing the Welsh Ministers to “determine” what information is to be kept). Omission of express requirement for register to be made available “at a convenient place”.	26C.2(iv)	Clarifies how requirements are to be imposed and ensures consistency with the other provisions about registers in the Bill (see sections 111 and 154). The omission of the reference to the register being made available “at a convenient place” is also for consistency with the fact that equivalent requirements for those other registers are imposed by

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				subordinate legislation (see SI 2012/801, art 29(14) and 30(6)).
<i>Section 252 – Power of planning authority to issue tree replacement notice</i>				
(1), (4) and (5)	1990, s. 207(1) and (4) and 213(3)	Addition of reference to tree replacement notice being “issued” with copies “served” on every owner of the relevant land before the end of 28 days after the day the notice is issued.	26C.2(v)	Improves clarity and accessibility of procedure relating to tree replacement notices. Change is consistent with LC 383 Rec. No. 16-3 (relating to maintenance of land notices) and is in accordance with LC Letter Rec. No. 11.
(6)	-	Addition of provision that regulations may require planning authorities to serve explanatory notes about the right to appeal under section 254.	26C.2(v)	Change improves accessibility of replacement notice regime and is consistent with the insertion of an equivalent provision in relation to maintenance of land notices. Change is in accordance with LC Letter Rec. No. 12.
<i>Section 253 – Variation of tree replacement notice</i>				
Whole section	-	Addition of provision that a planning authority may waive or vary any tree replacement notice it issues.	26C.2(v)	Addition ensures consistency with equivalent provisions on enforcement notices in section 130 and is in accordance with LC 383 Rec. No. 15-12 and LC Letter Rec. No. 9.
<i>Section 254 – Right to appeal against tree replacement notice</i>				
(3)(c)	1990, s. 208(2)	Addition of provision for sending notice of appeal to the Welsh Ministers using electronic communications.	26C.2(iv)	Change makes provision on service of notice of appeal consistent with equivalent provisions relating to appeals against enforcement notices and updates

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				the existing law to reflect the prevalence of electronic communications.
<i>Section 256 – Order to permit trees to be planted</i>				
Whole section	1936, s. 289; 1990, s. 209(3)(b) and 213(3); SI 1992/1492, reg 14(1)	Omission of power to apply section 289 of the 1936 Act with modifications, and restatement of section 289 (as modified) in the Bill.	26C.2(iv)	Provision moved to Bill because of its importance and because how section 289 applies has not changed for a very long time. The change gives effect to LC 383 Rec. No. 18-13(2).
<i>Section 257 – Power to enter land and plant trees</i>				
(1)	1990, s. 209(1) and 213(3)	Addition of provision that power of entry must be exercised “at any reasonable time”.	26C.2(ii)	Clarifies existing practice that power of entry would be exercised at a reasonable hour and ensures consistency with other provisions in this Part relating to entry to land.
<i>Section 258 – Recovery of costs of planting trees</i>				
(2) and (3)	1936, s. 294; 1990, s. 209(3)(c) and 213(3); SI 1992/1492, reg 14(1)	Omission of power to apply section 294 of the 1936 Act with modifications, and restatement of section 294 (as modified) in the Bill.	26C.2(iv)	Provisions moved to Bill because of their importance and because how they apply has not changed for a very long time. The change gives effect to LC 383 Rec. No. 18-13(3).
(5) and (6)	1990, s. 209(5)	Replacement of power to make regulations to the effect that costs recoverable by a planning authority are a charge on the land. Provision now provides that the costs are such a charge.	26C.2(iv)	Change made for consistency with equivalent provisions relating to the costs of taking steps required by an enforcement notice (see section 137).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(7) and (8)	1936, s. 276; 1990, s. 209(3)(a) and 213(3); SI 1992/1492, reg 14(1)	Omission of power to apply section 276 of the 1936 Act with modifications, and restatement of section 276 (as modified) in the Bill.	26C.2(iv)	Provisions moved to Bill because of their importance and because how they apply has not changed for a very long time. The change gives effect to LC 383 Rec. No. 18-13(1).
	1936, s. 276(3); 1990, s. 209(3)(a) and 213(3); SI 1992/1492, reg 14(1)	Restatement of section 276 of the 1936 Act omits subsection (3), which provides that the section does not apply to “refuse” removed by a local authority.	26C.2(iii)	The exclusion of refuse seems intended to avoid any conflict between section 276 and other provisions of the 1936 Act allowing waste to be sold. It does not seem relevant or necessary where an authority does work to plant trees.
<i>Section 259 – Powers to enter land without warrant</i>				
(5)	1990, s. 214B(1), (2) and (8)	Extension of requirement for power of entry to be exercised at a reasonable time and on reasonable grounds to entry in connection with a proposed order or a claim for compensation.	26C.2(iv)	Change made to ensure consistency across the powers of entry provisions and to remove the anomaly that there was no express requirement for entry by a person in connection with the exercise of any of the planning authority’s functions, or by an officer of the Valuation Office, to be on reasonable grounds and at a reasonable hour.
<i>PART 10 – ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES ETC.</i>				
<i>Section 262 – Acquisition of land by agreement for planning purposes</i>				
(2)(b)	1990, s. 226(1A)	Omission of reference to “promoting” well-being, and addition of reference to “cultural” well-being in provision setting	26C.2(iv)	Aligns the language of the provision with that used in the Well-being of Future Generations (Wales) Act 2015 and section 2(2) of the 2015 Act.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		out the well-being condition to be met before an authority can acquire land.		
(3)	1990, s. 226(1)(b)	Replacement of reference to an area in which the land is situated with reference to an authority's area in the condition to be met before acquiring land relating to the authority's proper planning.	26C.2(ii)	An authority can acquire land outside its area by agreement under Part 9 of the 1990 Act, so this change makes it clear that the purpose for which the land is required is in connection with the proper planning of the acquiring authority's area.
Section 263 - Compulsory acquisition of land for planning purposes				
(2)	-	Provision that the Welsh Ministers may not authorise a relevant local authority to acquire land compulsorily unless they are satisfied that there is a compelling case in the public interest	26C.2(iv)	Reflects the established principle that compulsory purchase powers should only be used where there is a compelling case for doing so. The Court of Appeal (in <i>Clays Lane Housing Co-operative v Housing Corporation</i> [2005] 1 WLR 2229 and in <i>Horada v Secretary of State for Communities and Local Government</i> [2017] 2 All ER 86) endorsed this as the correct test, and Government guidance has long set out this policy (see Welsh Government Circular 003/2019: <i>Compulsory Purchase in Wales and 'The Criche Down Rules (Wales Version 2020)'</i>)
(6)	1990, s. 226(6)	Amendment of requirement to consult council of the county or county borough before authorising a different local authority to acquire land so that it is a	26C.2(iv)	Section 226(5) of the 1990 Act enables the Welsh Ministers, if they have the power to authorise a relevant local authority to acquire land, to authorise a different local

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		requirement to consult each relevant local authority for the area, which includes a National Park authority and a joint planning board.		authority to acquire the land. This is subject to consultation with the county or county borough council, but not a National Park authority or joint planning board (who could be a relevant local authority for the area). The change removes this anomaly.
(9)	1990, s. 245(1)	Provision about objections to compulsory purchase amended by replacing a reference to the provisions of the development plan defining the proposed use of land with a reference to a policy in the development plan relating to the land.	26C.2(iv)	Until 1969, development plans were required to designate land that would be subject to compulsory purchase for the purpose of securing its use in the manner proposed by the plan. The current system requires the National Development Framework and strategic and local development plans to contain policies relating to the development and use of land. The change reflects the type of provision now made in plans.
<i>Section 266 – Appropriation of land held for planning purposes</i>				
(5)	1990, s. 232(5)	Provision applies the restatement of section 229(4) of the 1990 Act instead of section 122(4) of the Local Government Act 1972 to appropriations of land held for planning purposes.	26C.2(ii)	Section 229(4) of the 1990 Act has the same effect as section 122(4) of the 1972 Act, so there is no reason for section 232 of the 1990 Act to apply section 122(4). Applying the restatement of section 229(4) makes the Bill simpler and more consistent.
<i>Section 268 – Development and use of land held for planning purposes</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
-	1990, s. 235(3)	Omission of provision stating that local authorities may exercise powers to develop land despite “any limitation imposed by law on their capacity by virtue of their constitution”.	26C.2(iii)	The provision is no longer needed. Local authorities now have much wider general powers than when the provision was first enacted in section 20 of the Town and Country Planning Act 1944. There will not be any constitutional limit on an authority’s capacity to exercise the powers under this section.
-	1990, s. 235(4), (5)(b), (6)(part)	Omission of provision about entering arrangements with authorised associations to carry out operations.	26C.2(iii)	These provisions no longer have any practical utility. Local authorities’ general powers could now be relied on to enter arrangements of the type in question.
(3)(b)	1990, s. 235(6)(part)	Omission of reference to section 6 of the Local Authorities (Land) Act 1963 in definition of “alternative enactment”.	26C.2(iii)	Section 6 of the Local Authorities (Land) Act 1963 amended section 89 of the National Parks and Access to the Countryside Act 1949. Most of the amendments have been repealed, and the reference no longer serves any purpose.
(3)(d)	1990, s. 235(6)(part)	In definition of “alternative enactment”, reference to Chapter 5 of Part 3 of the 2023 Act replaced with reference to section 143 of that Act.	26C.2(ii)	Section 143 of the 2023 Act is the only provision in Chapter 5 of Part 3 of that Act that is relevant for the purposes of section 268, so it is unnecessary to refer to the Chapter generally.
<i>Section 271 – Compulsory acquisition of land by the Welsh Ministers</i>				
(1)	1990, s. 228(1)	Amendment of power to acquire land in the interests of “the proper planning of the area” so that it is a power to acquire land in	26C2 (ii) and (iv)	The “area” referred to in section 228 of the 1990 Act is not defined so this change clarifies its meaning. Because the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		the interests of “the proper planning of any area in Wales”.		provision is concerned with the powers of the Welsh Ministers in relation to land in Wales, it is considered that to be effective this should refer to any area in Wales.
(6)	1990, s. 245(1)	Provision about objections to compulsory purchase amended by replacing a reference to the provisions of the development plan defining the proposed use of land with a reference to a policy in the development plan relating to the land.	26C.2(iv)	See notes on section 263(9) of the Bill.
-	1990, s. 245(4)(b)	Omission of section 245(4)(b) of the 1990 Act dealing with application of the Compulsory Purchase Act 1965 in relation to works etc.	26C.2(iii)	The reference in section 245(4)(b) of the 1990 Act to works etc. “so authorised” is a reference to their being authorised under section 237 of the 1990 Act. The Housing and Planning Act 2016 replaced that section, so section 245(4)(b) of the 1990 Act no longer serves any purpose.
(7)	1990, s. 245(4)(c)	Amendment of modification of the Compulsory Purchase Act 1965 in its application to Part 9 of the 1990 Act to refer to its application to acquisitions under the restatement of section 228 of the 1990 Act	26C.2(ii)	The only acquisitions that can come within the description in section 245(4)(c) of the 1990 Act are those under section 228. The change clarifies that the modification made by section 245(4)(c) is limited.
(8)	1990, s. 228(5)	Addition of reference to the government of the United Kingdom in the definition of “public service.”	26C.2(ii)	Clarifies that the power to acquire land for the public service includes the service of the government of the United Kingdom.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
<i>Section 275 – Development and use of commons, open spaces and allotments</i>				
<i>Section 276 – Development and use of burial grounds</i>				
275(3)(a), 276(4)(a)	1990, s. 241(1) and 239(1)	Amendment to apply the requirement not to develop or use land in breach of planning control (i.e. without planning permission or in breach of a condition or limitation of permission) to any person including the Welsh Ministers or a Minister of the Crown (who are not included in section 241(1)(b) or 239(1)(b) of the 1990 Act).	26C.2(iv)	Since the enactment of the 2004 Act, Ministers have needed planning permission to develop land, which they did not when the 1990 Act was enacted. This change reflects that fact.
<i>Section 277 – Development and use of land connected to religious worship other than burial grounds</i>				
(1) to (6)	1990, s. 238(1) to (4) and 336(1) (definition of “prescribed”)	Provision that the use of consecrated land is subject to prohibitions or restrictions specified in regulations is applied also to the use of land that is not consecrated but is connected to religious worship.	26C.2(iv)	Section 238(3) of the 1990 Act provides for the use of consecrated land to be subject to requirements imposed by regulations. Section 238(4) provides for some, but not all, of those requirements to apply to unconsecrated land that has been used for religious worship. All of the types of requirement mentioned in section 238(3) could be relevant to such unconsecrated land. Enabling the regulations to apply fully to such land removes an anomaly.
(6)(a)	1990, s. 238(1)	Amendment to apply the requirement not to develop or use land in breach of planning control (i.e. without planning permission or in breach of a condition or limitation of permission) to any person including the Welsh Ministers or a Minister of the Crown	26C.2(iv)	Since the enactment of the 2004 Act, Ministers have needed planning permission to develop land, which they did not when section 238 of the 1990 Act was enacted. This change reflects that fact.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		(who are not included in section 238(1)(b) of the 1990 Act).		
PART 11 - HIGHWAYS				
Section 280 - Stopping up or diversion of highway to enable development				
(1)	1990, s. 247(1)	The power to authorise the stopping up or diversion of a highway to enable development is restated for cases where the development is to be carried out "in accordance with planning permission" but not for cases where it is to be carried out "by a government department" (i.e. section 247(1)(b) of the 1990 Act is omitted).	26C.2(iii)	Since the removal of Crown immunity by Part 7 of the 2004 Act, development by a government department requires planning permission. Accordingly, where permission has been granted, the power relating to development by a government department does not add anything. Cases where permission has not yet been granted are dealt with in section 282 of the Bill.
Section 281 - Stopping up or diversion of highway crossing or entering route of new highway				
(1)	1990, s. 248(1)	The power to authorise the stopping up or diversion of a highway is restated for cases where planning permission is granted to construct or improve another highway, but not for cases where Ministers or a strategic highways company propose to construct or improve another highway.	26C.2(iii)	Where planning permission has been granted, the power relating to proposed construction or improvement of a highway does not add anything because constructing or improving a highway will require planning permission. Cases where permission has not yet been granted are dealt with in section 282 of the Bill.
Section 282 - Procedure before grant of planning permission				
(4)(a)	1990, s. 253(2)(a)	Powers to take steps before planning permission is granted extended to cases	26C.2(iv)	Ensures that all cases involving proposed development for which planning

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		where an application for permission has been made by a government department or strategic highways company.		permission has not yet been granted (including those that currently fall within section 247 or 248 of the 1990 Act) are dealt with consistently.
-	1990, s. 253(4)	Omission of provision stating that section 253 of the 1990 Act applies where a planning authority has begun to take steps required by regulations under section 316 of that Act to obtain planning permission.	26C.2(iii)	The provision is not needed. Regulations under section 316 of the 1990 Act (currently SI 1992/1492) do not require a planning authority to take any steps in order to obtain planning permission apart from making an application for permission, which is already covered separately in section 253. No other steps have been identified that might be required by regulations under section 316.
<i>Section 283 – Further provision about orders under sections 280 and 281</i>				
(5)	1990, s. 247(4), 248(3)	Omission of power for order to make provision about compensation paid in respect of restrictions imposed under section 1 or 2 of the Restriction of Ribbon Development Act 1935.	26C.2(iii)	The provision no longer has any practical effect. Sections 1 and 2 of the 1935 Act, and the associated right to compensation in section 9 of that Act, were repealed by the 1947 Act.
<i>Section 285 – Compensation where private means of access is stopped up</i>				
(3)	-	Addition of requirements for compensation claims to be made in writing and within 12 months.	26C.2(iv)	Ensures consistency with provisions about other compensation claims under the Bill.
<i>Section 289 – Compensation where highway is pedestrianised</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(3)	1990, s. 250(3); SI 1992/1492, reg 12	Requirement for compensation claim to be made in writing and period for claiming compensation moved from regulations to the section, and day on which the period begins clarified.	26C.2(iv)	The provisions are important and have not changed since the current regulations were made in 1992. The time limit is considered unlikely to change, but section 391 of the Bill preserves the Welsh Ministers' power to change it in case it is required in future.
<i>Section 292 – Electronic communications apparatus affected by order</i>				
(7)	1990, s. 256(5)	Provision that applies paragraph 108(2) of the electronic communications code replaced with provision that sets out the effect of that sub-paragraph.	26C.2(ii)	Simplifies the provisions and improves accessibility. The sub-paragraph in the electronic communications code that is applied by section 256(5) of the 1990 Act is briefer than the wording applying it.
<i>Section 293 – Stopping up or diversion of public path to enable development</i>				
(1)	1990, s. 257(1)	The power to authorise the stopping up or diversion of a public path to enable development is restated for cases where the development is to be carried out “in accordance with planning permission” but not for cases where it is to be carried out “by a government department” (i.e. section 257(1)(b) of the 1990 Act is omitted).	26C.2(iii)	Since the removal of Crown immunity by Part 7 of the 2004 Act, development by a government department requires planning permission. Accordingly, where permission has been granted, the power relating to development by a government department does not add anything. Cases where permission has not yet been granted are already dealt with in section 257(1A) of the 1990 Act (restated in section 293(2)).
<i>Sections 295 and 301 – Electronic communications apparatus affected by order</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
-	1990, s. 260(9)	Omission of provision applying section 256(5) and (6) of the 1990 Act, which in turn apply certain provisions of the electronic communications code, for the purposes of section 260 of the 1990 Act.	26C.2(iii)	Section 260(9) seems to have been included in the 1990 Act by mistake. It purports to apply section 256(5), which is about the meaning of "alteration" of apparatus, but there are no references to altering apparatus in section 260. It also purports to apply section 256(6), which applies Part 6 of the electronic communications code to rights to alter, move or replace apparatus, but no such rights are conferred by section 260.
<i>Schedule 17 – Orders relating to highways</i>				
para 2(1)(a) and 6(1)(a)	1990, s. 252(1) (including as applied by s. 252(10))	Omission of requirement that the newspaper in which notice of a proposed order is published must be "local".	26C.2(iv)	Makes the provisions about publishing notices consistent. In the 1990 Act, only the provisions about highways orders require notices to be published in local newspapers. The requirements to publish notices in newspapers in sections 232(4), 233(4) and 293A(3) do not require them to be local.
para 3(4)	1990, s. 252(12)	Inclusion of joint planning boards in the definition of a "relevant local authority" that must be notified of a proposed order and that may object to it (with the result that a local inquiry must be held).	26C.2(iv)	Rectifies an anomaly. Section 252 of the 1990 Act requires notice of a proposed order to be given to the other authorities that may be planning authorities for areas in Wales, and requires a local inquiry if they object.
para 3(4) and 4(1)	1990, s. 252(4) and (5)	Exclusion of cases where a National Park authority has objected to a proposed order	26C.2(iv)	Corrects an anomaly or mistake. The 1995 Act inserted a reference to a National

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		from the cases where the Welsh Ministers may choose not to hold a local inquiry. (The change is made by referring to objections by persons other than “relevant local authorities”, which are defined to include National Park authorities.)		Park authority in section 252(4) of the 1990 Act but not section 252(5). There is no reason why an objection by a National Park authority should have a different effect from an objection by any other local authority.
para 6(2)	1990, s. 252(10)	Addition of requirement that a copy of an order must be available for public inspection “free of charge”.	26C.2(iv)	Removes an inconsistency. The other provisions of the 1990 Act that require highways orders to be made available for public inspection, in section 252(1)(b) and paragraphs 1(1)(b) and 7(1)(a)(iii) of Schedule 14, require them to be made available free of charge.
para 10(1) and 16(2)	1990, Sch 14 para 1(2)(a) (including as applied by para 7(1)(a))	Omission of requirement that the newspaper in which notice of a proposed order is published must be “local”.	26C.2(iv)	Makes the provisions about publishing notices consistent. See notes on paragraphs 2(1)(a) and 6(1)(a) of Schedule 17 to the Bill.
para 10(2)	1990, Sch 14 para 1(1)	Omission of requirement for notice of an order to be “in the prescribed form”.	26C.2(iii)	Removes duplication. There is a power in section 333(1)(a) of the 1990 Act (restated in section 396 of the Bill) for regulations to prescribe the form of documents issued by local authorities.
para 11(1)	1990, Sch 14 para 1(2)(b)	Where notice of the making of an order is published, replacement of the requirement to serve a “similar notice” on various persons with a requirement to serve “copies” of the same notice on them.	26C.2(ii)	Reflects how the provision is understood to operate in practice, and makes it consistent with the corresponding requirement for other highways orders in section 252(2) of the 1990 Act (restated in paragraph 3(1) of Schedule 17 to the Bill).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
para 11(1)(a), (2)(b) and (6)	1990, Sch 14 para 1(2)(b) and (9)	Provisions about serving copies of notices and orders amended to require a notice of the making of an order that is served on a National Park authority to include a copy of the order. (The change is made by including a National Park authority in the definition of a "relevant local authority").	26C.2(iv)	Corrects an apparent mistake. The 1995 Act amended paragraph 1(2)(b) of Schedule 14 to the 1990 Act to require a copy of the notice to be served on a National Park authority, but did not amend paragraph 1(9) to require a copy of the order to be included with it. In all other cases, a notice served on a public authority or interested person must include the order.
-	1990, Sch 14 para 1(6) and (7)	Omission of provisions that enable the Welsh Ministers to direct that a notice of the making of an order is to be fixed to a conspicuous object on the land instead of being served on the owners and occupiers.	26C.2(iii)	Avoids duplication and ensures consistency. There is no practical difference between what is allowed by paragraph 1(6) and (7) of Schedule 14 to the 1990 Act and by the general service provisions in section 329(2) (restated in section 399 of the Bill), except that paragraph 1(6) requires a Ministerial direction. Omitting paragraph 1(6) and (7) removes the need for a direction, for which no reason has been identified.
para 13(2) and (3)	1990, Sch 14 para 3(2) and (3)	Exclusion of cases where a National Park authority has objected to an order from the cases where Ministers have the option to hold a hearing instead of a local inquiry. (The change is made by referring to objections by persons other than "relevant local authorities", which are defined to include National Park authorities.)	26C.2(iv)	Corrects an anomaly or mistake. The 1995 Act inserted a reference to a National Park authority in paragraph 3(2) of Schedule 14 to the 1990 Act but not paragraph 3(3). There is no reason why an objection by a National Park authority should have a different effect from an objection by any other local authority.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
-	1990, Sch 14 para 4(7)	Omission of power for regulations to make provision about publicising a direction that a decision is to be made by the Welsh Ministers instead of an inspector.	26C.2(iii)	The power appears never to have been exercised (there is no provision of this kind in SI 1993/10 or any earlier regulations that it replaced) and is not considered necessary.
para 18(1)	1990, Sch 14 para 8	Provision about giving notice that an order has come into force amended to state that it applies where the order comes into force otherwise than at the end of a period specified “in the order”.	26C.2(ii)	Clarifies the meaning of the reference to a “specified period”. Provision about when the order is to come into force will be made in the order itself (see the model forms of order in Schedules 1 and 2 to SI 1993/10).
para 18(2)		Omission of requirement that the newspaper in which notice of a proposed order is published must be “local”.	26C.2(iv)	Makes the provisions about publishing notices consistent. See notes on paragraphs 2(1)(a) and 6(1)(a) of Schedule 17 to the Bill.
PART 12 – STATUTORY UNDERTAKERS ETC.				
Section 303 – Meaning of “statutory undertaker” and “statutory undertaking”				
(1)	1990, s. 262(3) to (5B)	Gas transporters, water undertakers, sewerage undertakers, the Environment Agency, Natural Resources Wales, universal postal service providers, the Civil Aviation Authority and air traffic licensees are listed as statutory undertakers, rather than being deemed to be statutory undertakers for the purposes of particular provisions. The provisions in relation to which the undertakers concerned are not to be	26C.2(ii)	Listing the bodies as statutory undertakers, rather than deemed statutory undertakers, and including express exceptions where those undertakers are not to be treated as such, increases the clarity of the Bill’s provisions relating to statutory undertakers.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		regarded as statutory undertakers now include express provisions to that effect.		
<i>Section 305 – Meaning of “operational land”: Civil Aviation Authority and air traffic licensees</i>				
(1) and (2)	1990, s. 263(3) and (4); SI 1984/575, reg 2	The definition of “operational land” in relation to the Civil Aviation Authority is moved from SI 1984/575 to the Bill and the previous regulation-making power amended to allow regulations to amend that definition as it appears in the Bill.	26C.2(iv)	Provisions moved to Bill because of their importance and because how they apply has not changed for a very long time.
<i>Section 306 – Meaning of “operational land”: universal postal service providers</i>				
(1), (2) and (3)	1990, s. 263(3) and (4); SI 1973/310, reg 2	The definition of “operational land” in relation to universal postal service providers is moved from SI 1973/310 to the Bill and the previous regulation-making power amended to allow regulations to amend that definition as it appears in the Bill.	26C.2(iv)	Provisions moved to Bill because of their importance and because how they apply has not changed for a very long time.
<i>Section 307 – Meaning of “operational land”: supplementary provision</i>				
(1)(e)	-	In the definition of “specific planning permission” for the purposes of sections 304 to 306 of the Bill, addition of reference to a planning permission granted on the determination of an appeal against an enforcement notice under section 133.	26C.2(iv)	Increases consistency in the meaning of “specific planning permission”. Permissions granted on the determination of an appeal against an enforcement notice are as specific as the other types of permissions listed in section 307(1) of the Bill and there is no reason why they shouldn't be included.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
-	1990, s. 264(6)(a) and (c)	Omission of provisions that treat references to Part 3 and section 90 of the 1990 Act as including references to the equivalent provisions in predecessor legislation.	26C.2(iii)	Provisions are not needed in the Bill because of the effect of section 35 of the 2019 Act and the transitional provision in Schedule 5 to the Consequential Provisions Bill which provides that references to provisions of the main Bill include references to corresponding provisions of predecessor legislation.
<i>Section 309 – Applications for planning permission by statutory undertakers</i>				
(1)(c) and (3)	1990, s. 266(1)(c)	Replacement of reference to a deemed application for planning permission with reference to an appeal under section 131 on the ground that planning permission ought to be granted or a condition or limitation of planning permission ought to be removed.	26C.2(ii)	Consequential on the omission from the Bill of the provision for deemed applications for planning permission in sections 177(5) and (6) of the 1990 Act.
(2)	1990, s. 266(1B)	Omission of provision that direction under section 266(1B) of the 1990 Act only has effect if not withdrawn.	26C.2(iii)	Provision not required. In this context it goes without saying that a direction only has effect if it is not withdrawn. There is a general power to withdraw directions by virtue of section 20 of the 2019 Act.
(4)	1990, s. 268(1) and (2)	Addition of provision that the Welsh Ministers are not required to deal with an application relating to development that requires the authorisation of a government department, unless authorisation has been granted without a direction that permission is granted.	26C.2(iv)	Rectifies an anomaly that was created when section 266(1B) of the 1990 Act was inserted by SI 2015/1794. Prior to the insertion of that provision, all relevant called-in applications made by statutory undertakers would have been dealt with by the Welsh Ministers and the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				appropriate Minister, so section 268(1) and (2) would have applied. However, following the insertion of section 266(1B), the default position is that called-in applications by statutory undertakers are dealt with by the Welsh Ministers. The inclusion of the reference in section 309(4) of the Bill to the Welsh Ministers alone dealing with applications applies that provision to all relevant called-in applications, as was the case prior to the change made by the 2008 Act.
<i>Section 311 – Modification or revocation of planning permission</i>				
(a)	1990, s. 269	Addition of provision that Schedule 7 (procedure for making modification or revocation orders) has effect as if the reference to the Welsh Ministers in paragraph 1(2)(b) of that Schedule were a reference to the Welsh Ministers or the Welsh Ministers and the appropriate Minister.	26C.2(iv)	Rectifies an anomaly that was created when section 266(1B) of the 1990 Act was inserted by the 2008 Act. Prior to the insertion of that provision, the effect of Part 3 and section 269 of the 1990 Act was that orders modifying or revoking operational planning permission would always have to be confirmed by the Welsh Ministers and the appropriate Minister. However, following the insertion of section 266(1B), it was possible for orders modifying or revoking operational planning permission granted by the Welsh Ministers acting alone to take effect without being confirmed. The amendment rectifies the anomaly and

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				requires all orders that modify or revoke operational planning permission to be confirmed.
<i>Section 312 – Discontinuance orders, prohibition orders and protection orders</i>				
(a)	1990, s. 270	Addition of provision that Schedule 15 (prohibition orders etc.) has effect as if the reference to the Welsh Ministers in paragraph 4(3) of that Schedule were a reference to the Welsh Ministers or the Welsh Ministers and the appropriate Minister.	26C.2(ii)	Clarifies that, given that the Welsh Ministers acting alone may, in some circumstances, grant operational planning permission, the making of a prohibition order does not affect the Welsh Ministers' power to make a further grant of operational planning permission.
<i>Section 314 – Removal notices: ending rights over land etc. of statutory undertakers and network operators</i>				
(4) and (5)	1990, s. 271(8)	Addition of provision that removal notice must always specify the period at the end of which the right to which it relates is extinguished or within which apparatus must be removed. The period must be at least 28 days.	26C.2(ii)	Addition increases clarity and accessibility for notice recipients; under section 271 of the 1990 Act, the notice is only required to specify the period if it is longer than 28 days.
<i>Section 317 – Orders to extend or modify statutory undertakers' functions</i>				
(2)	1990, s. 275(4)(b)	Replacement of reference to "to secure the adjustment" by "to facilitate the adjustment".	26C.2(ii)	Clarifies the effect of the provision and increases consistency by ensuring that section 317(2) mirrors the "facilitate the adjustment" wording in section 317(1)(a)(ii).
<i>Section 318 – Orders to relieve statutory undertakers of impracticable obligations</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(3)(a)(i)	1990, s. 277(2)(a)	Addition of reference to acquisition under Part 11 of the Bill.	26C.2(ii)	Addition ensures consistency by treating land acquired under Part 11 of the Bill the same as land acquired under Part 10. Provision is consistent with the definition of "relevant acquisition" in section 274 of the Bill, which also applies for the purposes of sections 314, 316 and 317 in this Part.
<i>Section 319 – Right to compensation for effects of certain planning decisions and orders</i>				
(2)	-	Addition of provision setting period for claiming compensation.	26C.2(iv)	Fills a gap and ensures consistency with other provisions relating to compensation for loss caused by the refusal, modification or revocation of planning permission, by providing for the time limit for making claims for compensation.
(5)(b)	1990, s. 279(7)	Addition of provision that mandatory conditions relating to the duration of minerals permissions must be ignored (in the same way as conditions relating to when development must start or reserved matters must be approved must be ignored).	26C.2(ii)	Fills a gap and ensures consistency with the equivalent provision in relation to purchase notices in section 110(4).
<i>Section 321 – Assessing compensation</i>				
(5) and (6)	1990, s. 280(5)	Omission of reference to compensation being reduced by any amount that "appears to the Upper Tribunal to be appropriate".	26C.2(ii)	Omission reflects the fact that section 321 applies to the assessment by the parties themselves (i.e. not by the Upper Tribunal) of the compensation payable.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				The Upper Tribunal will only become involved in the absence of agreement between the parties (see section 392).
<i>Schedule 18 – Orders relating to statutory undertakers and network operators</i>				
para 3(1)(b) and 11(b)	1990, s. 276(1)(b) and s. 277(6)(b)	Replacement of the requirement to serve a “similar notice” on various persons with a requirement to serve “copies” of the same notice on them.	26C.2(ii)	Reflects how the provision is understood to operate in practice, and makes it consistent with the corresponding requirement for other orders in the Bill (see, for example, paragraph 11(1) of Schedule 17).
para 3(2)(c) and 7(3)(c)	-	Addition of requirement for notice of the making of a representation under section 317 or section 318 to state that objections to the making of an order may be made to the appropriate Minister.	26C.2(ii)	Clarifies what the notice must say about the right to make objections to a proposed order.
para 10(2)	1990, s. 277(5)	Addition of definition of “relevant time”.	26C.2(ii)	Meaning of “relevant time” varies in accordance with whether the order is made by the Welsh Ministers or a Minister of the Crown (to reflect fact that the special Senedd procedure applies <u>before</u> an order is made, whereas special parliamentary procedure applies <u>after</u> the order is made).
<i>PART 13 – BLIGHTED LAND</i>				
<i>Section 324 – Notice requiring purchase of blighted land</i>				
(3)(c)(i) to (iii)	1990, s. 150(1)(b) and (c)	Provision for land where there is no requirement to make reasonable	26C.2(iv)	Section 150(1)(c) of the 1990 Act requires a claimant, before serving a blight notice,

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		endeavours to sell also to be excepted from requirement to have been unable to sell.		to have been unable to sell their interest in land except at a reduced price. This change disapplies that requirement in relation to land where there is no requirement to make reasonable endeavours to sell. To include such land would require the claimant to undergo a meaningless step, as the provision already recognises that there is no purpose in trying to sell the land.
(3)(c)(ii)	1990, s. 150(1)(b)	Amendment of grounds for serving a blight notice so that the requirement for a claimant to have made reasonable endeavours to sell their interest does not apply to land falling within the restatement of paragraph 23(a) and (b) of Schedule 13 to the 1990 Act.	26C.2(iv)	In order to serve a blight notice a claimant must have made reasonable endeavours to sell their interest or the land must fall within paragraphs 21, 22, 24 or 24A of Schedule 13 to the 1990 Act. Those paragraphs are concerned with land authorised to be compulsorily purchased. Paragraph 23(a) and (b) of Schedule 13 to the 1990 Act is also concerned with land where there is an order authorising its compulsory acquisition. This change disapplies the requirement to have made reasonable endeavours to sell an interest in land within that paragraph 23(a) and (b), removing an anomaly and treating all interests where a compulsory purchase order or similar is in force in the same way.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
<i>Section 326 – Grounds of objection to a blight notice</i>				
(4)	1990, s. 151(4)(d)	Amendment of ground of objection relating to land identified in a development plan so as to refer to provision about development plans in Wales.	26C.2(iv)	Section 151(4)(d) of the 1990 Act sets out a ground of objection to a blight notice in relation to land identified in a development plan. It refers to land within paragraph 1, 3 or 13 of Schedule 13 to the 1990 Act. Paragraphs 1 and 3 of Schedule 13 have been repealed. Paragraphs 1B and 1C of Schedule 13 deal with land identified in a local development plan or strategic development plan for an area in Wales and the National Development Framework for Wales. Section 151(4)(d) should have been amended to refer to paragraphs 1B and 1C when those paragraphs were inserted. References to them have been included in the restatement in order to fill a gap.
(5)	1990, s. 151(4)(d)	Replaced reference to 15-year period with reference to the period specified in the relevant development plan or National Development Framework for Wales.	26C.2(iv)	Section 151(4)(d) of the 1990 Act sets out a ground of objection to a blight notice, which is that in relation to land identified in a development plan, an authority does not propose to acquire the land for a 15-year period. This 15-year period reflected the length of a development plan at the time the 1990 Act was enacted. Now the relevant development plan and National Development Framework for Wales can specify different periods. This change

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				means that the provision reflects the various periods for which plans are actually in force. It takes into account developments since the 1990 Act and corrects an anomaly (that one period would otherwise be applied to all plans regardless of their actual length).
<i>Section 328 – Further counter-notice where certain proposals come into force</i>				
(1) to (4)	1990, s. 152	Addition of references to the coming into force of draft development plans and draft National Development Framework as basis upon which an authority can serve a further counter-notice.	26C.2(iv)	Section 152 of the 1990 Act allows for a further counter-notice where a claim is in respect of blighted land identified in a draft plan and the draft plan comes into force. The restatement includes references to draft development plans in Wales, for the same reason as the change made by section 326(4).
(3)	1990, s. 152(2)(a)	Time limit for serving a further counter-notice in respect of blighted land identified in a draft development plan applied to a draft order or scheme under the 1980 Act.	26C.2(iv)	Section 152(2)(a) of the 1990 Act provides for a time limit on serving a further counter-notice by reference to the coming into force of a plan. Including a reference to a draft order or scheme under the 1980 Act removes an anomaly, so that the same time limit applies in all cases.
<i>Section 329 – Reference of objection to Upper Tribunal: general</i>				
(2)	1990, s. 153(8)	Provision added enabling claimant to refer an objection in a further counter-notice	26C.2(ii)	Section 153(8) of the 1990 Act provides that where a further counter-notice is served section 153 applies as it applies to the original counter-notice. The change

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		whether or not they referred an objection in the original counter-notice.		clarifies the effect of serving a counter-notice by setting out that a claimant may refer an objection in a further counter-notice whether or not they referred an objection in the original counter-notice (together with section 328(2), which states that a further counter-notice is served under section 325).
(4)	1990, s. 153(4A) and 166(1)(a)	Removal of limitation on Upper Tribunal's powers relating to an objection involving parts of land to cases where Part 1 of Compulsory Purchase Act 1965 applies; and omission of provision about the right to sell the whole of a house, building or manufactory.	26C.2(ii)	Section 153(4A) of the 1990 Act provides that where Part 1 of Compulsory Purchase Act 1965 applies, the Tribunal cannot uphold an objection on the ground that an authority proposes to acquire part of the hereditament or area concerned unless the Tribunal is satisfied that the specified part can be taken without material detriment or (in the case of a garden or park) seriously affecting the amenity or convenience of the house. The removal of the reference to the Compulsory Purchase Act 1965 means that the restriction on the Tribunal's power applies in all cases where an objection on that ground is made. This removes the need to restate section 166(1)(a) of the 1990 Act separately. That provision ensures that the right to sell the whole of a house, building or manufactory is not affected by the provision on parts of hereditaments or

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				agricultural units. This change clarifies the effect of these provisions in relation to specified parts.
<i>Section 330 – Effect of objection where no reference is made to Upper Tribunal</i>				
Whole section	-	Addition of provision that a blight notice is to be treated as withdrawn if the appropriate authority has served a counter-notice, the claimant has not referred it to the Upper Tribunal within the time limit and the appropriate authority has not withdrawn the objection.	26C.2(ii)	This clarifies the effect of not referring objections to the Upper Tribunal, which is implicit in the 1990 Act.
<i>Section 332 – Blight notice in respect of part of hereditament or unit</i>				
(2)	1990, s. 154(4)	Addition of provision that a notice accepting a proposal to acquire an interest in part of a hereditament or unit also withdraws the blight notice in relation to the rest of the hereditament or area.	26C.2(ii)	Section 154(4) of the 1990 Act refers to a claimant serving notice to accept a proposal, and then separately withdrawing their claim (but does not specify that this is to be done by notice). The change clarifies that the notice accepting the proposal will also withdraw the rest of the blight notice.
<i>Section 337 – Upper Tribunal: objection to blight notice including requirement to purchase unaffected area</i>				
-	1990, s. 159(8)	Omission of section 159(8) of the 1990 Act, which disapplies section 153(6) of that Act (which requires the Tribunal, if upholding an objection only on the grounds mentioned in section 151(4)(c) of the 1990 Act, to declare a blight notice valid in relation to	26C.2(iii)	Provision is not required because section 159(3) of the 1990 Act prevents the Tribunal from upholding an objection on the grounds in section 151(4)(c) of the 1990 Act alone where there is an objection under section 158 of the Act. Section

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		the part of the hereditament or area specified in the counter-notice).		153(6) of the 1990 Act cannot therefore apply to a notice under section 158.
<i>Section 339 – Effect of blight notice where claim in respect of unaffected area withdrawn or rejected</i>				
(1)	1990, s. 160(2)	Addition of “only” in opening words so that provision about effect of withdrawal or rejection applies where an objection is made only on the ground that the unaffected area is reasonably capable of being farmed as a separate agricultural unit.	26C.2(ii)	Section 160(2) of the 1990 Act applies where a counter-notice objects on the ground mentioned in section 159(1) of that Act (that the unaffected area is reasonably capable of being farmed as a separate agricultural unit). Under section 160(2)(a) of the 1990 Act, if the claimant withdraws the claim in relation to the unaffected area, the appropriate authority must buy the affected area. The change clarifies that the reference to “on the grounds mentioned in section 159(1)” in section 160(2) of the 1990 Act means on those grounds and no other ground.
<i>Section 340 – Effect of blight notice where claim in respect of unaffected area and part of affected area withdrawn or rejected</i>				
(1)	1990, s. 160(4)	Addition of “(but not on any other ground)” in opening words of the subsection so that the provision about the effect of withdrawal or rejection of a blight notice applies where an objection is made only on the grounds mentioned.	26C.2(ii)	Under section 160(4) of the 1990 Act if the authority objects on the grounds in sections 159(1) and 151(4)(c) of the 1990 Act and the claimant accepts the authority’s proposal (to buy part of the affected area) and withdraws the claim in respect of both the rest of the affected area and the unaffected area, the authority must buy that part of the affected area. The change clarifies that the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				grounds in sections 159(1) and 151(4)(c) of the 1990 Act mentioned in section 160(4)(a) of that Act means those grounds and no other ground.
<i>Section 343 – Compensation: listed buildings in need of repair</i>				
<i>Section 344 – Compensation: blight notice including claim in respect of unaffected area</i>				
-	1990, s. 157(2)	Omission of section 157(2) of the 1990 Act, which makes provision about assessing compensation where land is acquired because of a blight notice and the land is subject to a compulsory purchase order under section 290 of the Housing Act 1985 (acquisition of land for clearance).	26C.2(iii)	Subsections (1) and (3) of section 157 are restated as sections 343 and 344 of the Bill, but subsection (2) is not restated because provisions of the Housing Act 1985 about compensation for acquisitions under section 290 of that Act were repealed by the Local Government and Housing Act 1989, so section 157(2) of the 1990 Act is spent.
<i>Section 345 – Powers of personal representatives in respect of blight notice served before death</i>				
Whole section	1990, s. 161(1)	Omission of reference to 154(5) of the 1990 Act (deeming an authority to be authorised to acquire the interest of the claimant) in the list of provisions where references to the claimant are to be read as references to personal representatives.	26C.2(iii)	Section 161(1) of the 1990 Act deals with the position where the deceased served a blight notice and personal representatives continue the claim. It provides that in certain provisions references to claimant are to be read as references to personal representatives. Those provisions include section 154(5) of the 1990 Act where there is a reference to the interest of the claimant, but it is considered that this should continue to be read as the interest

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				of the claimant (as defined in section 150(4) of the 1990 Act).
<i>Section 346 – Power of personal representative to serve blight notice</i>				
(3)(d)(i) to (iii)	1990, s. 161(2)(c) and (d)	Provision for land where there is no requirement to make reasonable endeavours to sell also to be excepted from requirement to have been unable to sell.	26C.2(iv)	This change is made for the same reason as the corresponding change made in relation to service of a blight notice by a claimant in section 324(3)(c).
(3)(d)(ii)	1990, s. 161(2)(c)	Amendment of grounds for serving a blight notice so that the requirement for a personal representative to have made reasonable endeavours to sell the deceased's interest does not apply to land falling within the restatement of paragraph 23(a) and (b) of Schedule 13 to the 1990 Act, nor to land falling within the restatement of paragraphs 24 and 24A of Schedule 13.	26C.2(iv)	The change to add reference to the restatement of paragraph 23(a) and (b) of Schedule 13 to the 1990 Act is made for the same reason as the corresponding change made by section 324(3)(c)(ii). References to paragraphs 24 and 24A of Schedule 13 to the 1990 Act should have been inserted into section 161(2)(c) of the 1990 Act when those paragraphs were inserted into Schedule 13, in the same way as they were inserted into the corresponding provision made by section 150(1)(b) of the 1990 Act. The change to add reference to the restatement of these paragraphs is made in order to remove an anomaly as the sections should make the same provision.
<i>Section 347 – Grounds of objection to blight notice served by personal representative</i>				
(1)(j)	1990, s. 161(5)	Addition to grounds on which an objection may be made to a blight notice served by	26C.2(iv)	Section 161(5) of the 1990 Act sets out the grounds of objection to a blight notice

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		personal representatives, the ground that the unaffected area is reasonably capable of being farmed as a separate agricultural unit.		served by personal representatives but does not specify grounds mentioned in section 159(1) of the 1990 Act (that the unaffected area is reasonably capable of being farmed as a separate agricultural unit). It does however state that it is subject to section 159(2) and (3) of the 1990 Act. That could only apply if section 159(1) were relevant. The change removes this anomaly.
(2)		Replaced "Subject to sections 151(7) and 159(2) and (3)" in the provision setting out grounds of objection to a blight notice served by personal representatives with a more general reference to limitations on what can be made by way of objection.	26C.2(ii)	Clarifies that limitations applying to grounds of objection apply in the same way as in relation to a blight notice served by a claimant.
<i>Section 348 – Power of mortgagee to serve blight notice</i>				
(3)(c)(i) to (iii)	1990, s. 162(1)(b) and (c)	Provision for land where there is no requirement to make reasonable endeavours to sell also to be excepted from requirement to have been unable to sell.	26C.2(iv)	This change is made for the same reason as the corresponding change made in relation to service of a blight notice by a claimant in section 324(3)(c) (and in section 346(3)(d) in relation to personal representatives).
(3)(c)(ii)	1990, s. 162(1)(b)	Amendment of grounds for serving a blight notice so that the requirement for a mortgagee representative to have made reasonable endeavours to sell the interest does not apply to land falling within the	26C.2(iv)	The change to add reference to the restatement of paragraph 23(a) and (b) of Schedule 13 to the 1990 Act is made for the same reason as the corresponding change made by section 324(3)(c)(ii) of the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		restatement of paragraph 23(a) and (b) of Schedule 13 to the 1990 Act, nor to land falling within the restatement of paragraphs 24 and 24A of Schedule 13.		Bill (and by section 346(3)(d)(ii) in relation to personal representatives). The change to add references to paragraphs 24 and 24A of Schedule 13 to the 1990 Act is made for the same reason as the corresponding change made by section 346(3)(d)(ii) of the Bill in relation to personal representatives.
Section 349 – Grounds of objection to blight notice served by mortgagee				
(1)(i)	1990, s. 162(5)	Addition to grounds on which an objection may be made to a blight notice served by a mortgagee, the ground that the unaffected area is reasonably capable of being farmed as a separate agricultural unit.	26C.2(iv)	The change is made for the same reason as the corresponding change made by section 347(1)(j).
(2)		Replaced “Subject to sections 151(7) and 159(2) and (3)” in the provision setting out grounds of objection to a blight notice served by a mortgagee with a more general reference to limitations on what can be made by way of objection.	26C.2(ii)	The change is made for the same reason as the corresponding change made by section 347(2).
Section 350 – Prohibition on service of simultaneous notices under sections 324, 346 and 348				
(3)(b)(i)	1990, s. 163(2)(b)(i)	Replaced reference to period of two months with reference to the time for referring objection to the Upper Tribunal.	26C.2(iv)	Section 163(2)(b)(i) of the 1990 Act refers to the period of two months specified in section 153 of that Act. The provision specifying two months was repealed when cases were transferred to the Upper Tribunal (SI 2009/1307). Time limits are

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				now set out in the Tribunal Procedure Rules.
<i>Section 351 – Partnerships: special provision</i>				
-	1990, s. 164(4)	Omission of section 164(4) of the 1990 Act, which provides that the definition of “person” in Schedule 1 to the Interpretation Act 1978 is not excluded by the provisions about blighted land.	26C.2(iii)	References to a person in these provisions will include a body corporate or unincorporate, so section 164(4) of the 1990 Act is not considered necessary.
	1990, s. 164(5)	Omission of section 164(5) of the 1990 Act, which provides that the definition of “resident owner-occupier” is not affected by section 164(2) of the 1990 Act (which makes provision about occupation by a partnership).	26C.2(iii)	It is not considered necessary to restate section 164(5) of the 1990 Act as occupation for the purposes of a partnership could not amount to occupation by a resident owner-occupier (as that requires occupation by an individual of a hereditament as a dwelling).
<i>Section 353 – Power of the Welsh Ministers to acquire land affected by order relating to new town</i>				
(3)	1990, s. 165(3) (part)	Omission of section 165(3)(a) of the 1990 Act providing that the 1961 Act has effect in relation to the compensation payable as if the acquisition were by a development corporation.	26C.2(iii)	Provisions about new towns in the 1961 Act were replaced by the Neighbourhood Planning Act 2017. An “acquiring authority” is now defined in the 1961 Act in relation to an interest in land as the person or body by whom the interest is or is proposed to be acquired. The Welsh Ministers would come within that definition so there is no longer a need to modify the 1961 Act.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
Section 354 – Power of the Welsh Ministers to acquire land affected by order relating to urban development area				
(3)	1990, s. 165(3) (part)	Omission of section 165(3)(a) of the 1990 Act providing that the 1961 Act has effect in relation to the compensation payable as if the acquisition were by an urban development corporation.	26C.2(iii)	Provisions about urban development areas in the 1961 Act were replaced by the Neighbourhood Planning Act 2017. An “acquiring authority” is now defined in the 1961 Act in relation to an interest in land as the person or body by whom the interest is or is proposed to be acquired. The Welsh Ministers would come within that definition so there is no longer a need to modify the 1961 Act.
Section 359 – Interpretation of this Part				
(1)	1990, s. 171(1)	In definition of “special enactment” omission of reference to “local”.	26C.2(iii)	Reference to a local Act is not required because, provided the land is specifically identified, it does not matter what type of Act is involved.
		In definition of “special enactment” omission of reference to an instrument being confirmed by Act of Parliament.	26C.2(iii)	The reference to the confirmation of an instrument is not required. The reference to being brought into operation in accordance with special parliamentary procedure includes when confirmed by Act of Parliament (which is part of the special parliamentary procedure).
Schedule 19 – Blighted land				
para 1(2), definition of	1990, Sch 13, para 1B	Addition of a reference to provision by an electronic communications code operator of	26C.2(iv)	This change fills a gap by updating definition to reflect changes made by the Communications Act 2003.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
"public functions"		an electronic communications code network in the definition of public functions.		
para 15(2)	1990, Sch 13, para 16	Addition of a reference to a strategic highways company in the definition of relevant highway authority.	26C.2(iv)	This change fills a gap by updating definition to reflect changes made by the Infrastructure Act 2015.
para 20(1)	1990, Sch 13, para 22	Separate provision about compulsory purchase orders submitted for confirmation and compulsory purchase orders prepared in draft.	26C.2(ii)	The reference to the publication of a notice of a compulsory purchase order in the Notes to paragraph 22 of Schedule 13 to the 1990 Act seems to apply to an order submitted for confirmation and an order prepared in draft. The change clarifies that an order is either submitted for confirmation or an order is prepared in draft and notice of it is published.
-	1990, Sch 13, para 19 (and consequentially s. 151(7), 169(5) and 170(7))	Omission of paragraph 19 of Schedule 13 to the 1990 Act. That provides for land on a new street to be blighted land. Section 151(7) of the 1990 Act limits grounds of objection in relation to land on a new street, so is not restated. Sections 169(5) and 170(7) of the 1990 Act make provision for the meanings of "appropriate authority" and "appropriate enactment" in relation to such land, so are not restated either.	26C.2(iii)	Paragraph 19 of Schedule 13 to the 1990 Act refers to various provisions that have been repealed (section 159 of the Highways Act 1959, section 188 of the 1980 Act and section 30 of the Public Health Act 1925). It is not considered that there is any land to which the paragraph now applies (the new street orders mentioned would have been made before September 1991).
para 43(1)(a)	1990, s. 169(2)(a)	Addition of a reference to a strategic highways company as a potential appropriate authority in the provision	26C.2(iv)	Section 169(2)(a) of the 1990 Act is concerned with disputes as to the identity of the appropriate authority in respect of a highway. A strategic highway company

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		about who determines questions about the identity of an appropriate authority.		could have powers of acquisition of land in Wales, so this change fills a gap to reflect changes made by the Infrastructure Act 2015.
PART 14 - ADMINISTRATION AND VALIDITY				
<i>Section 360 - Fees and charges for exercise of functions by planning authorities</i>				
(3)(c)	1990, s. 303(5)(c)	Provisions giving examples of types of provision that may be made by fees regulations amended to state that the regulations may make provision about setting the amounts of fees as well as about the calculation of fees.	26C.2(ii)	Reflect the scope that the powers in section 303 of the 1990 Act are understood to have. Clarifies that the regulations may make provision of the kind mentioned in LC 383 Rec. No. 18-9, as has already been done in England (see regulation 2B of SI 2012/2920).
-	1990, s. 303(5)(g)	Omission of provision stating that regulations about fees and charges may make provision about the transfer of fees and charges between planning authorities.	26C.2(iii)	The provision has not been needed in Wales since the Local Government (Wales) Act 1994. It is only relevant in areas where there is more than one planning authority, which is not possible in Wales.
-	1990, s. 303(11)	Omission of definition of "financial year".	26C. 2(iii)	The definition is not needed because "financial year" is defined in the same way in Schedule 1 to the 2019 Act.
<i>Section 364 - Fees and charges for applications and appeals to the Welsh Ministers</i>				
(6)(c)	1990, s. 303(5)(c) and 303ZA(2)(b)	Provisions giving examples of types of provision that may be made by fees regulations amended to state that the regulations may make provision about	26C.2(ii)	Reflect the scope that the powers in sections 303 and 303ZA of the 1990 Act are understood to have. Clarifies that the regulations may make provision of the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		setting the amounts of fees as well as about the calculation of fees.		kind mentioned in LC 383 Rec. No. 18-9, as has already been done in England (see regulation 2B of SI 2012/2920).
(7)	-	Addition of provision that the powers in section 364 do not limit any other powers conferred by the Bill to make provision about the payment of fees or charges.	26C.2(ii)	Provision added to clarify that the detailed powers in section 364 are not intended to limit the more generally-worded powers to make provision about appeal fees in sections 185(3) and 200(2) (relating to CIL).
-	1990, s. 303(3)	Omission of power to make provision for fees in respect of applications deemed to be made to the Welsh Ministers under any provision of the 1990 Act other than section 177(5) or under any order or regulations.	26C. 2(iii)	There are no cases to which the power applies. There are no provisions for deemed applications other than section 177(5). Section 196(6) of the 1990 Act provided for deemed applications but was repealed by the 1991 Act.
<i>Section 365 – Determination of appeal by inspector</i>				
(1), (2)	1990, Sch 6 para 1(1); SI 1992/2832, reg 8; SI 2015/1822, reg 3(1)	Provision for appeals to be determined by inspectors moved from regulations to the section, and power for regulations to specify which appeals are determined by inspectors omitted.	26C.2(iv)	Simplifies the provisions to reflect the existing position under SI 1992/2832 and SI 2015/1822 that nearly all planning appeals are determined by inspectors, in accordance with the approach recommended by LC 383 Rec. No. 11-2. Corresponding changes were made in section 173 of the 2023 Act.
(2)	1990, Sch 6 para 1(1)	List of appeals that are to be determined by inspectors amended to cover appeals against maintenance of land notices	26C.2(iv)	Supplies a consequential amendment that should have been made by the 2015 Act. Gives effect to LC 383 Rec. No. 16-4.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(3)	1990, s. 336(1) (definition of "prescribed"), Sch 6 para 1(2) and 3(1)	Powers to specify appeals that will not be determined by inspectors amended so that general exceptions will be made in regulations and exceptions for specific appeals will be made in directions. Power to make general exceptions in directions omitted.	26C.2(iii), (iv)	It is appropriate for general exceptions to be made in regulations rather than directions. The power to make general exceptions in directions is not required. The changes give effect to LC 383 Rec. No. 11-2 and correspond to changes made in section 173 of the 2023 Act.
-	1990, Sch 6 para 1(3)	Omission of power for regulations about the determination of appeals to provide for the giving of publicity to directions.	26C.2(iii), (iv)	The power is not required as a result of removing the power to give general directions. General exceptions will be in regulations, which have to be published. A corresponding change was made in section 173 of the 2023 Act.
<i>Schedule 20 – Determination of appeals by inspectors or the Welsh Ministers</i>				
para 1(1)	1990, Sch 6 para 2(1)	Provision about powers and duties of inspectors amended to say that an inspector has the same powers and duties as the Welsh Ministers (subject to exceptions), instead of specifying particular functions that are exercisable by inspectors in relation to each type of appeal	26C.2(iv)	Simplifies the provisions and removes anomalies. No reason has been identified for an inspector not to exercise all the functions of the Welsh Ministers in relation to an appeal (other than functions relating to the appointment or removal of the inspector and the making of regulations).
-	1990, Sch 6 para 2(2) to (5A), 3(4) to (5ZA), 5(3)(a) and 6(2)(a)	Omission of provisions enabling an appellant and planning authority to insist on being heard by an inspector, and of related provisions referring to whether a	26C.2(iii), (iv)	Simplifies the Bill and ensure that appeals are dealt with consistently. These provisions no longer apply to most planning appeals, for which section 319B of the 1990 Act instead requires a determination of the appropriate

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		person was (or should have been) asked whether they wanted to be heard		procedure. The continuing application of these provisions to appeals relating to planning obligations and old mining permissions is an anomaly. The restatement of section 319B (in section 366 of the Bill) will apply to those appeals, so the anomaly can be removed as a consequence.
-	1990, Sch 6 para 2(7)	Omission of provision that the validity of an inspector's decision may only be challenged under Part 12 of the 1990 Act (which provides for statutory review and appeals to the High Court).	26C.2(iii)	Removes duplication. The same effect is achieved by paragraph 2(6) of Schedule 6 to the 1990 Act, which is restated in section 365(4) of the Bill. It provides that an inspector's decision is to be treated as the decision of the Welsh Ministers (and under section 284 of the 1990 Act, the validity of their decision can only be challenged under Part 12). A corresponding change was made in Schedule 12 to the 2023 Act.
para 2(3)	1990, Sch 6 para 6(2)	Power to appoint assessor extended to cover cases decided on the basis of written representations (as well as those decided after hearings or local inquiries) and to enable an inspector (as well as the Welsh Ministers) to appoint an assessor.	26C.2(iv)	Makes minor improvements to the powers and gives effect to LC 383 Rec. No. 11-3 and LC Letter Rec. No. 2. Corresponding changes were made in paragraph 3 of Schedule 12 to the 2023 Act.
-	1990, Sch 6 para 7	Omission of provision relating to the powers of the Welsh Ministers under section 79(6) of the 1990 Act.	26C.2(iii)	Consequential on the omission of section 79(6) of the 1990 Act from the Bill (see the notes on section 77 of the Bill).

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
para 6(2)	1990, Sch 6 para 8(2)	Amendment of provision treating an inspector as part of the Welsh Government for the purposes of the Public Services Ombudsman (Wales) Act 2019, so that it is not limited to cases where the inspector is an officer of the Welsh Government.	26C.2(iv)	Removes an anomaly. An inspector acts on behalf of the Welsh Ministers, so it should not matter whether an inspector is a civil servant.
<i>Section 366 – Choice of inquiry, hearing or written procedure for appeals and applications</i>				
(1)	1990, s. 319B(7) and 217(7)(c)	List of proceedings to which section 319B of the 1990 Act applies amended to include applications for planning permission for urgent Crown development and appeals relating to reviews of minerals permissions and planning obligations.	26C.2(iv)	Corrects anomalies and makes the approach for applications and appeals to the Welsh Ministers more consistent. The additional proceedings to which section 366 of the Bill applies are rare but are very similar to the types of proceedings to which section 319B of the 1990 Act already applies.
(8)	1990, s. 319B(8A); 2015, Sch 4 para 20(4) (not yet in force)	Amendment of the definition of the “representative persons” who must be notified of a determination, by omitting the power for the Welsh Ministers to prescribe persons or descriptions of persons.	26C.2(iii)	Simplifies the provisions. The power has not been used in relation to developments of national significance, and is unnecessary given that section 319B only requires Ministers to notify prescribed persons if they consider them to be representative of people with an interest in the proceedings.
<i>Section 367 – Procedural requirements for appeals, applications and other proceedings</i>				
(7)	-	Addition of provision that the powers in section 367 do not limit any other powers under the Bill to make provision about the	26C.2(ii)	Provision added to clarify that the detailed powers in section 367 are not intended to limit any other powers in the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		procedure for applications, appeals or references to the Welsh Ministers.		Bill to make provision about appeal procedures (see sections 185(3), 200(2), 224(3) and 241(8)).
<i>Section 369 - Power of person holding inquiry to require evidence</i>				
(1)	1972, s. 250(2) as applied by 1990, s. 252(6), s. 320(2) and Sch 6 para 6(4A)	Provision about requirements to produce documents for the purposes of a local inquiry amended to clarify that a person who is required to produce documents is not required to attend the inquiry to do so	26C.2(ii)	Clarifies the effect that section 250(2) of the 1972 Act is understood to have in practice. The same change was made in section 177 of the 2023 Act.
<i>Section 370 - Access to evidence at inquiry</i>				
(6)	1990, s. 321(7), 321B(3) and (4)	Omission of concurrent power of the Lord Chancellor to make rules relating to national security directions and functions of appointed representatives.	26C.2(iii)	Removes duplication of powers. The Lord Chancellor's power does not have any practical effect if the Welsh Ministers have made regulations about these matters, which they have done in SI 2006/1387. The same change was made in section 178 of the 2023 Act.
<i>Section 372 - Payment of costs of the Welsh Ministers</i>				
(1)	1990, s. 322C(1)	Costs powers amended to clarify that they apply to all proceedings before the Welsh Ministers under the Bill (whether or not they are applications or appeals).	26C.2(ii)	Clarifies the scope of the Welsh Ministers' existing powers to order the payment of the costs of proceedings, and of earlier powers that they restated. The same change was made in section 180(1) of the 2023 Act.
<i>Section 373 - Orders relating to costs of parties</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(1)	1990, s. 322C(1)	Costs powers amended to clarify that they apply to all proceedings before the Welsh Ministers under the Bill (whether or not they are applications or appeals).	26C.2(ii)	Clarifies the scope of the Welsh Ministers' existing powers to order the payment of the parties' costs, and of earlier powers that they restated. The same change was made in section 181(1) of the 2023 Act.
(3), (4)	-	Inclusion of new provisions setting out the test to be met before Ministers may require a person to pay the costs of another party, and noting that their power to do so is subject to any provision made by procedural regulations about the award of costs.	26C.2(ii)	Subsection (3) reflects existing practice, which has been endorsed by case law (e.g. <i>Manchester City Council v Secretary of State for the Environment</i> [1988] JPL 774) and is currently set out in Welsh Government, <i>Development Management Manual</i> (May 2025), Section 12 Annex: Award of Costs. The change gives effect to LC 383 Rec. No. 18- 12. Subsection (4) makes clear that the power to award costs is also subject to provision made by regulations under section 367(5). The same changes were made in section 181 of the 2023 Act.
Section 375 – Validity of certain decisions and orders				
(2)(j), (k)	1990, s. 284(3)(h)	Amendment of descriptions of decisions under control of advertisements regulations and tree preservation regulations that are subject to statutory review, to omit references to decisions relating to certificates or directions.	26C.2(iii)	The references to certificates and directions in section 284(3)(h) of the 1990 Act are not needed. That paragraph is about decisions on applications and appeals, so would only cover certificates or directions where there was an application or appeal. Those cases would

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				already come within the references to decisions on applications and appeals.
(3)(a)	1990, s. 284(2) and (3)(d)	Amendment of list of orders that are subject to statutory review, to include termination orders whether they are made by the Welsh Ministers or made by planning authorities and confirmed by the Welsh Ministers. (The Bill provides for “termination orders” instead of “completion notices”.)	26C.2(ii)	Clarifies the effect of the provisions. Decisions of the Welsh Ministers to confirm completion notices under section 95 of the 1990 Act are subject to statutory review. It is unclear whether this includes notices that the Welsh Ministers serve themselves (under section 96), but no reason has been identified for treating one case differently from the other.
(3)(h)	1990, s. 284(3A)	Amendment of definition of “relevant costs order” to replace the reference to a costs order under section 250(5) of 1972 Act with a reference to a costs orders under section 373 of the Bill (which restates section 322C of the 1990 Act).	26C.2(iv)	Corrects an incorrect cross-reference. The 2015 Act should have updated the definition to refer to the costs powers in section 322C of the 1990 Act, which have replaced section 250(5) of the 1972 Act in planning cases in Wales. A corresponding change was made in section 182 of the 2023 Act.
<i>Section 376 – Application for statutory review of decision or order</i>				
(9)(d) to (f)	1990, s. 288(10)(b)	Amendment of definition of the authority “directly concerned” with an order or notice issued by the Welsh Ministers, to refer to the authority in whose area the relevant land is situated, and to identify the authority directly concerned with a costs order.	26C.2(ii)	Clarifies the definition. The definition in section 288(10) of the 1990 Act refers to the authority “named in” an order or notice made or served by the Welsh Ministers, but there are no requirements for those orders and notices to name the relevant planning authority; and the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				definition does not mention costs orders at all.
<i>Section 377 – Statutory review of orders relating to highways and statutory undertakers</i>				
(1) and (2)	1990, s. 284(1)(c) and (d)	Amendment of provision that certain orders may only be challenged by statutory review, to cover all orders relating to highways made under Part 11 of the Bill.	26C.2(iv)	Corrects a mistake. Under sections 284(1)(c) and 287(1)(b) of the 1990 Act, all orders relating to highways may be the subject of an application for statutory review, but orders under section 251(1) are not included in the list of orders that cannot be challenged in any other way. No reason has been identified for this difference, which seems to have been created by an error in the 1962 Act.
<i>Section 378 – Appeal against decision relating to enforcement notice</i>				
(2)	1990, s. 289(1)	Wording added to provide that the right of appeal to the High Court does not apply to decisions to grant planning permission or remove conditions under section 133 of the Bill (which are instead subject to statutory review – see section 375(1) and (2)(h)).	26C.2(ii)	Clarifies the effect that the existing provisions are understood to have, which is that the rights to appeal to the High Court and to apply for statutory review are mutually exclusive. A corresponding change was made in section 184 of the 2023 Act.
<i>Section 380 – Meaning of “decision document” and “correctable error”</i>				
(2)(a)	2004, s. 59(4)	Omission of documents recording decisions to confirm completion notices from the definition of the “decision documents” to which the provisions for correction of errors apply. (This results from replacing	26C.2(ii), (iv)	Clarifies the position and ensures a more consistent approach. Sections 56(2) and 57(2) of the 2004 Act are drafted on the basis that there will always be an “applicant”. That is not the case for

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		completion notices with termination orders and listing them as “orders” rather than “decisions” in section 375: see notes on section 375(3)(a) of the Bill.)		completion notices, which implies that Part 5 is not intended to apply to them. Completion notices are more similar to the orders to which Part 5 does not apply than they are to the decisions to which it does apply.
(2)(b)	2004, s. 59(4)	Definition of “decision document” amended to include documents recording decisions on appeals against maintenance of land notices.	26C.2(iv)	Supplies a consequential amendment that should have been made by the 2015 Act when it moved responsibility for deciding appeals against maintenance of land notices from magistrates’ courts to the Welsh Ministers.
<i>Section 381 – Power to correct correctable errors in decision documents</i>				
(4)(c)	2004, s. 56(4)	Addition of definition of “review period” for decision documents recording decisions on appeals against maintenance of land notices.	26C.2(iv)	Consequential on the amendment to the definition of “decision document” in section 380(2)(b): see the note on that provision.
PART 15 – GENERAL				
<i>Section 384 – Offences of failing to comply with information notice</i>				
(4)	1990, s. 330(5)	Omission of option of imprisonment on conviction on indictment for offence under section 330(5) of 1990 Act.	26C.2(v)	Makes penalties for offences more consistent. Gives effect to LC 383 Rec. No. 12-24 and LC Letter Rec. No. 7. Corresponds to a change made in section 198 of the 2023 Act.
<i>Section 386 – Powers to enter land</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(3) to (6)	1990, s. 324(1)(b), (c) and (7)	Inclusion of list of specific applications, orders and notices in connection with which powers of entry may be exercised, and clarification that power to enter land cannot be exercised in connection with a development order of general application.	26C.2(ii)	Clarifies scope that existing powers of entry are understood to have.
(8)	1990, s. 324(5)	Addition of power to enter land in connection with claim for compensation for loss caused by temporary stop notice.	26C.2(iv)	Makes position for claims relating to temporary stop notices consistent with that for claims relating to stop notices. Supplies a consequential amendment that should have been made by the 2004 Act.
<i>Section 387 – Powers of entry: scope and restrictions</i>				
(3)	1990, s. 325(1)(a)	Addition of wording to identify the persons who may demand evidence of authority from a person exercising a power of entry.	26C.2(ii)	Clarifies the effect the existing provision is understood to have. Corresponds to a change made in section 155 of the 2023 Act.
<i>Section 390 – Offences by bodies corporate</i>				
(4)	1990, s. 331(2)	Omission of wording that limits references to bodies managed by their members to cases where those bodies are running nationally-owned industries.	26C.2(iii)	The wording is out-of-date and has not been included in equivalent provisions in recent Acts (e.g. Renting Homes (Fees etc.) (Wales) Act 2019, section 26(3)). Corresponds to a change made in section 200 of the 2023 Act.
<i>Section 391 – Making claims for compensation</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(2), (3)	SI 1992/1492, reg 12(2)	Power to extend periods for claiming compensation moved from regulations to the Bill.	26C.2(iv)	This is an important provision that should be in the same place as the provisions specifying the periods for making claims. Corresponds to a change made in section 202 of the 2023 Act.
<i>Section 392 – Determination of compensation claims by Upper Tribunal</i>				
(1), (2)	1980, s. 307(1) to (2); 1990, s. 118, 171H(5), 186(6) to (7), 196C(4), 214D(5), 225(11), 250(6) to (7), 282(1) to (2) and 325(7)	Provisions about determination of compensation claims amended to omit powers for regulations to make exceptions and modifications.	26C.2(iii)	The regulation-making powers in the 1990 Act have not been used and no need for them has been identified. Corresponds to a change made in section 203 of the 2023 Act.
<i>Section 394 – Power to modify compensation provisions in relation to minerals</i>				
(3)	1990, s. 116(2)	Omission of powers in section 116(2) of 1990 Act (paragraph (c) and closing words) for regulations to provide for compensation to be assessed on a different basis and make different provision for different cases.	26C.2(iii)	Removes duplication with the powers to modify the basis of assessment (in section 116(2)(b) of 1990 Act) and for regulations to make different provision for different purposes (in section 333(2A) of 1990 Act).
<i>Section 395 – Contributions towards costs incurred by authorities</i>				
(1)	1990, s. 306(1)(a) (part), (2)(a), (b), (2A) and (2B)	Powers of local authorities and statutory undertakers to contribute to costs incurred in exercising particular functions under the 1990 Act extended to apply to all functions under this Bill.	26C.2(v)	The Welsh Government does not consider that there is any reason for the powers to be limited to particular functions under the Bill. Making the powers more general gives effect to LC Letter Rec. No. 15.

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(2)	1990, s. 306(1)(b)	Power of local authority to contribute to costs incurred in connection with constructing or improving roads amended to specify the circumstances in which the power may be exercised.	26C.2(ii)	This power will only be needed in limited circumstances, as a result of including the more general power to make financial contributions in section 395(1), which will be available where an order under Part 11 of the Bill provides for the construction or improvement of a road.
-	1990, s. 306(1)(c)	Omission of power of a local authority to contribute towards costs incurred by a local highway authority in connection with development.	26C.2(iii)	The local highway authority is the county council or county borough council. It is considered very unlikely that any other local authority would ever contribute towards expenditure incurred by a council as a local highway authority.
(3)	1990, s. 305 and 306(3)	Powers of the Welsh Ministers to make or require contributions towards compensation payments extended to apply to all compensation payable under the Bill.	26C.2(iv)	Removes inconsistencies and anomalies in the lists of compensation provisions in sections 305(2) and 306(3) of the 1990 Act, for which no reasons have been identified.
-	1990, s. 306(5)	Omission of provision about contributions towards expenditure of joint advisory committees.	26C.2(iii)	The provision is spent. The provisions of the 1971 Act about joint advisory committees were repealed by the Local Government Act 1972.
<i>Section 397 – Powers to make provision about forms for applications and appeals</i>				
Whole section	New, but incorporates 1990, s. 96A(5A)(a)	Addition of express provision that powers for regulations to make provision about the form of applications and notices of appeal include powers to require appellants or	26C.2(ii)	Clarifies matters that are understood to be within the scope of existing powers to make provision about the form of applications and notices (e.g. under

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		applicants to use forms published or provided by the Welsh Ministers or another person.		sections 62(2), (6) and (11), 62ZB(5), 65(1) and (3), 71ZB(3), 78(3), 96A(5A), 106A(9), 106B(3), 193(1), 202D(7)(a), 217(7), 220(2A) and 332(1) of the 1990 Act). Subordinate legislation under those powers has provided for people to use forms issued by planning authorities or the Welsh Ministers for many years (see e.g. SI 1977/289, art 5, 6, 20; SI 1988/1812, reg 3; SI 1988/1813, art 26; SI 1992/2832, reg 3 and 7; SI 2012/801, art 4, 5, 24C, 26 and 26B).
<i>Section 398 – Service of notices and other documents: general</i>				
(3)	1990, s. 329(3A); 2008, s. 229(2) and (3)	Provision simplified and definition of “legible in all material respects” omitted.	26C.2(iii)	Detail not needed due to developments in electronic communications and use of e-mail to send documents. Provisions for electronic service are simpler in recent Acts (e.g. Renting Homes (Wales) Act 2016, section 237). Corresponds to a change made in section 205 of the 2023 Act.
(7)	2008, s. 229(6)	Provision of 2008 Act stating that the general section about service is subject to other specific provisions about service applied for the purposes of the whole Bill.	26C.2(ii)	Clarifies that any provision about serving particular types of document takes precedence over the general provisions in this section. Although this is stated only in the 2008 Act, it is also understood to be the position under the 1990 Act.
<i>Section 399 – Service of documents on persons having an interest in land or occupying land</i>				

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
(4)	1990, s. 329(2); 2008, s. 230(1), (2) and (4)	Provision for document to be served on owner by delivery or display on land limited to cases where owner's address (rather than name) is not known.	26C.2(iv)	Corrects provision to reflect circumstances in which it would be appropriate to use it (it is about where a document is served, not about the person on whom it is served, so what matters is whether there is an address for service). Corresponds to a change made in section 206 of the 2023 Act.
(5)	1990, s. 329(2)(b); 2008, s. 230(4); SI 1992/1492, reg 13	Provision about how document must be marked as important for purposes of section 329(2) of 1990 Act moved from regulations to section and applied to all of the Bill.	26C.2(iv)	Moved into the section because the provision is brief and does not need to change; applied to all of the Bill for consistency, as there is no reason for it not to apply in all cases. Corresponds to a change made in section 206 of the 2023 Act.
-	1990, s. 329(3); 2008, s. 230(5) and (6)	Omission of provisions from 1990 Act and 2008 Act about cases where documents must be served on owners and occupiers of land that is unoccupied.	26C.2(iii)	The provisions do not add to the methods of service on occupiers available under section 329(2) of the 1990 Act and section 230(1) to (4) of the 2008 Act; and it is unclear why they would be necessary or appropriate for service on persons having interests in land. Corresponds to a change made in section 206 of the 2023 Act.
(6)	2008, s. 230(7)	Provision of 2008 Act stating that the general section about service is subject to	26C.2(ii)	Clarifies that any provision about serving particular types of document takes precedence over the general provisions in this section. Although this is stated only

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		other specific provisions about service applied for the purposes of the whole Bill.		in the 2008 Act, it is also understood to be the position under the 1990 Act.
<i>Section 401 – Definitions relating to the Crown</i>				
(3)	1990, s. 293(1)	Omission of powers to specify additional interests as Crown interests under section 293(1)(c) of 1990 Act.	26C.2(iii)	The powers have not been used in relation to any land in Wales, and the Welsh Government does not think they are required. Corresponds to a change made in section 207 of the 2023 Act.
(7), (9)(b)	SI 2007/1353, art 4	Provision treating Senedd Commission as Crown body for purposes of 1990 Act moved from an Order in Council under GoWA 2006 into the Bill, and applied for the purposes of the whole Bill.	26C.2(iv)	Ensures that definitions relating to the Crown are complete and consistent. Corresponds (in part) to a change made in s. 207 of the 2023 Act.
<i>Section 404 – Listed buildings and features of special architectural or historical interest</i>				
(1), (2)	1990, s. 314A(1)	Addition of provision listing the powers to grant planning permission that are subject to the duty to have special regard to the desirability of preserving listed buildings.	26C.2(ii)	Clarifies the scope of the duty, by listing the powers to which it is understood to apply. The list does not include the power to give directions under Chapter 8 of Part 3 of the Bill granting permission, which will replace directions under section 90 of the 1990 Act that permission is deemed to be granted.
<i>Section 405 – Development by, and land of, planning authorities and the Welsh Ministers</i>				
(2)	1990, s. 316(1)	List of provisions that may be modified amended to omit provisions about development with government	26C.2(iii)	The provisions that have been omitted from the list have never been modified using the powers in section 316 of the

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		authorisation, enforcement, maintenance of land notices and advertisements.		1990 Act and the Welsh Government does not consider that there would be any need to modify them.
-	1990, s. 316(2)(c)	Omission of power for regulations to make different provision in relation to different classes of land or development.	26C.2(iii)	The power in section 316(2)(c) of the 1990 Act duplicates the general power for regulations to make different provision for different purposes in section 333(2A).
-	1990, s. 316(5)	Omission of provision about cases where more than one body exercises functions as a planning authority.	26C.2(iii)	In Wales there is only ever one planning authority for an area so the provision is not needed.
Section 406 – Church of England land				
(2)	1990, s. 318(2)(b)	Provision that certain land is to be treated as belonging to the Diocesan Board of Finance extended to apply for the purposes of compulsory acquisition under any provision of the Bill.	26C.2(iv)	Removes anomalies. Section 318(2)(b) of the 1990 Act applies for the purposes of compulsory acquisition under Part 9 of the 1990 Act, but land may also be acquired compulsorily under other Parts of the Act.
(3)	1990, s. 318(3)	Provision about payment and use of compensation extended to apply to all compensation under the Act.	26C.2(iv)	Removes anomalies. Section 318(3) of the 1990 Act refers to most of the provisions of the 1990 Act under which compensation is payable, but with omissions for which no reasons have been identified. Corresponds to a change made in section 208 of the 2023 Act.
-	1990, s. 318(4)	Omission of provision about sums that would otherwise be payable to an	26C.2(iii)	The provision has no effect. None of the sections to which it refers can result in a

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		incumbent under certain sections of the 1990 Act.		payment to an incumbent. It originally referred to sections in Part 5 of the 1990 Act that could have resulted in such payments, but they were repealed by the 1991 Act.
Section 407 – Regulations				
(7)	1990, s. 333(3E), (3F) and (5A)	Senedd approval procedure (instead of annulment procedure) applied to regulations changing aftercare period or default duration of minerals permission.	26C.2(iv)	Reflects the fact that the regulations will be changing a period specified in a provision of the Bill and may do so by amending the Bill.
(8)	1990, s. 333(3C) and (5B)	Senedd annulment procedure applied to uses classes regulations (which specify classes within which changes of use are not development) and to all regulations establishing joint planning boards.	26C.2(iv)	Use classes orders, and orders establishing joint planning boards with the agreement of the councils concerned, are currently subject to no Senedd procedure. The Bill removes these anomalies and brings the procedures into line with current legislative practice. Gives effect to LC 383 Rec. No. 7-4 in relation to use classes regulations.
(9)	1990, s. 333(3) and (3C)	Approval procedures (instead of annulment procedures) of Senedd and UK Parliament applied to regulations changing definition of “operational land” of universal postal service providers.	26C.2(iv)	Reflects the fact that the content of the existing regulations is restated in the Bill and that any future regulations will be amending the definition in the Bill.
Section 408 – Interpretation				
(1): definition of “building”	1990, s. 336(1)	Omission of “erection” from definition of “building”.	26C.2(iii)	The reference to an “erection” is not thought to add anything significant; it is

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
				sufficient for the definition to refer to a "building or structure".
(1): definition of "land"		Paragraph (a) of definition of "land" amended to include provision that land includes mines and minerals.	26C.2(ii)	Clarifies the effect that the existing definition is understood to have. "Land" is defined as any corporeal hereditament, which includes minerals. The issue is now addressed once in the definition of "land" instead of by referring in other provisions to interests in land or in "minerals in, on or under" it (e.g. in sections 65(8), 96A(10), 107(1) and 115(2) of the 1990 Act).
		Paragraph (b) of definition of "land", which provides that it includes interests in land and rights over land, extended to apply in relation to any acquisition of land under the Bill.	26C.2(ii)	Clarifies meaning of "land" in the Bill. Paragraph (b) of the definition in the 1990 Act says that it applies to the acquisition of land under Part 9, but land may be acquired under various other provisions and the meaning must be the same in each case.
(1): definition of "local authority"	1990, s. 336(1), 244A(3), 306(6) and 330(6); references to National Park authorities in s. 90(1), 101(2), 169(1), 170(2), 252, 253, 305(1), 333(1), Sch 13	Definition of "local authority" amended to include National Park authorities.	26C.2(ii)	Clarifies that National Park authorities (NPAs) are treated in the same way as local authorities for the purposes of the Bill and simplifies the provisions. The definition of "local authority" in the 1990 Act does not include NPAs, but every provision restated in the Bill that applies to local authorities also applies to NPAs. That is either because the provisions mention NPAs separately, or because

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
	para 1B and Sch 14 para 1 and 3; 1995, Sch 8 para 2(2) and (3)			Schedule 8 to the 1995 Act treats references to local authorities in the provisions as including NPAs. Section 55(2) of the 1990 Act is an exception to this, so the restatement in section 6 of the Bill provides that the reference to a local authority in that section does not include a National Park authority.
(1): omitted definitions	1990, s. 336(1)	Omission of definitions of “1944 Act”, “1954 Act”, “1968 Act”, “clearing” and “replacement of open space”.	26C.2(iii)	The terms are not used in the 1990 Act and the definitions should have been repealed.
		Omission of definitions of “1947 Act”, “1962 Act”, “1971 Act”, “caravan site”, “simplified planning zone” and “war damage”.	26C.2(iii)	The terms are only used in provisions of the 1990 Act that are not restated in the Bill.
		Omission of definitions of “Minister”, “prescribed”, “tenancy” and “Valuation Office”.	26C.2(ii)	The drafting approach adopted in the Bill means that the terms are not used. (The Bill uses “lease” instead of tenancy and restates the definition of “lease” in section 336(1) of the 1990 Act that has the same effect.)
(1): omitted wording		Definitions of “agriculture”, “development” and “disposal” amended to omit wording requiring “agricultural”, “develop” and “dispose of” to be “construed accordingly”.	26C.2(iii)	The wording is not needed because section 9 of the 2019 Act has the same effect.
(3), (4)	1990, s. 70(2)(aa)	Inclusion of provision that a duty to have regard to the development plan and other relevant considerations requires a person to have regard to national planning policies	26C.2(ii)	Clarifies that Welsh language issues may be relevant in all cases where such a duty applies (whereas section 70(2)(aa) of the 1990 Act is currently expressed to apply

Provision	Origin	Description of change	SO 26C.2 grounds	Additional information
		and considerations relating to use of the Welsh language, so far as they are relevant.		only when deciding planning applications), and that national planning policies may be a relevant consideration. Gives effect to LC 383 Rec. No. 5-5 and 5-6.
-	1990, s. 336(1A)	Omission of provision that references to counties and county councils include county boroughs and county borough councils.	26C.2(iii)	The Bill does not restate any references to counties or county councils that are affected by the provision, and there do not appear to be any such references in the 1990 Act.
-	1990, s. 336(6)	Omission of signpost to section 56 of the 1990 Act, about when development is initiated.	26C.2(iii)	The provision is not needed because section 56 is not restated in the Bill.
-	1990, s. 336(9)	Omission of provision that references to certain provisions of the 1990 Act include those provisions as modified under section 316 of that Act.	26C.2(iii)	The provision is not needed, and there is no equivalent provision for references to any provisions modified under other powers in the 1990 Act. References to modified provisions include the provisions as modified, by virtue of section 25 of the 2019 Act.

40. The table below identifies provisions that have been omitted from the Bill in reliance on paragraph (iii) of Standing Order 26C.2 because they are “obsolete, spent or no longer of practical utility or effect”. This table deals with omissions that are not directly related to provisions that are restated in the Bill, including a number of omissions of whole sections or Schedules. Omissions within sections that are restated in the Bill have generally been dealt with in the tables relating to the relevant Parts of the Bill.

41. Where the omitted provisions apply only to Wales, they are repealed in full by Schedule 1 or 2 to the Consequential Provisions Bill.

Omitted provision	Description	Reason for omission
Welsh Development Agency Act 1975, Sch 4 para 19(2) to (4)	Requirements for planning authorities to send copies of applications for planning permission, and notices of decisions to grant planning permission, to the Welsh Ministers; power of the Welsh Ministers to direct that these requirements do not apply.	The provisions are not needed or used in practice. The Welsh Ministers have the power to direct planning authorities to notify them of applications, and details of applications and decisions are available on the online planning registers operated by authorities. The Welsh Government does not receive notifications of planning applications or decisions under these provisions.
1990, s. 1(4B)	Definition of “mineral planning authority” in Wales.	The provision is unnecessary in Wales, where the mineral planning authority and local planning authority are always the same. The Bill omits the terms “mineral planning authority” and “local planning authority” and refers only to the “planning authority”.
1990, s. 1(6) and Sch 1A para 1	Power for a development order to make provision enabling a local highway authority to restrict the grant of planning permission by a local planning authority or urban development corporation.	There has been no provision of this kind in a development order since 1988, and the power to make this kind of provision is not needed. The approach since 1988 has been to require local planning authorities to consult local highway authorities before granting permission, in the same way that they consult other public bodies. Omitting the power to restrict the grant of permission by an urban development corporation is consequential on amending section 149 of the Local Government, Planning and Land Act 1980 and section 7 of the 1990 Act so that they no longer apply to Wales. Those amendments mean that urban development corporations in Wales will not have the power to grant planning permission.

Omitted provision	Description	Reason for omission
1990, s. 1(6) and Sch 1A para 3 to 10	Provisions about the functions of local planning authorities in areas with more than one local planning authority.	Omitting the provisions is consequential on amending section 149 of the Local Government, Planning and Land Act 1980 and section 7 of the 1990 Act so that they no longer apply to Wales. Those amendments mean there can never be more than one planning authority for an area in Wales.
1990, s. 7	Provision that, if an order under section 149 of the Local Government, Planning and Land Act 1980 confers planning functions on an urban development corporation, the corporation is the local planning authority in place of any other authority.	Omitting the provision is consequential on amending section 149 of the Local Government, Planning and Land Act 1980 so that it no longer applies to Wales (see the notes for the Consequential Provisions Bill). An urban development corporation has never been given planning functions in Wales, and the Welsh Government considers that there is no prospect of that happening if an urban development corporation is established in future. Omitting the provision gives effect to LC 383 Rec. No. 5-12 as it relates to urban development corporations.
1990, s. 56(1)	Provision about when development is taken to be "initiated" for the purposes of the 1990 Act.	There is only one reference to development being "initiated" in the 1990 Act, which is in section 112(9). (There were other references in Part 5, which has been repealed.) A general definition is therefore not required, and since the definition states the obvious, it is not required in section 112. Omitting the provision gives effect to LC 383 Rec. No. 8-29(1).
1990, s. 57(7) and Sch 4	Provisions that planning permission is not required for the resumption or continuation of certain uses of land that took place before 1 July 1948.	The provisions are no longer needed. Paragraphs 1 and 3 of Schedule 4 are about resuming a use of land before 6 December 1968, and paragraph 2 is about resuming an occasional use of land that took place between July 1948 and January 1968. The provisions are now redundant and both situations are adequately addressed by the

Omitted provision	Description	Reason for omission
		provisions about when uses of land are lawful. Omitting the provisions gives effect to part of LC 383 Rec. No. 12-26.
1990, s. 61	Power in s. 61(1) for development order to make different provision for different descriptions of land, and power in s. 61(2) and (3) to disapply pre-1947 enactments.	The power in section 61(1) has been superseded by the wider power to make differential provision in section 333(4B). The power in section 61(2) and (3) appears not to have been used and is no longer required. Omitting section 61 gives effect to LC 383 Rec. No. 7-8.
1990, s. 70A (as to be substituted by 2004, s. 43(1))	Power of planning authority to decline to determine an application for planning permission where other similar applications have been refused, by either the Welsh Ministers or the planning authority itself.	The new version of section 70A (which extends the application of the section to cases where the planning authority has refused two or more similar applications) has not been brought into force in Wales and is inconsistent with the established approach to “twin tracking” planning applications in Wales.
1990, s. 70B (as to be inserted by 2004, s. 43(1))	Power of planning authority to decline to determine an application for planning permission where another similar application is under consideration by the authority or the Welsh Ministers.	Section 70B has not been brought into force in Wales and is inconsistent with the established approach to “twin tracking” planning applications in Wales. Omitting the section gives effect to LC 383 Rec. No. 8-6.
1990, s. 82 to 87 and Sch 7	Provisions about schemes designating simplified planning zones and granting planning permission for development in those zones.	No simplified planning zones have ever been created in Wales, and there is no prospect of any being established in future because local development orders provide a simpler means of achieving the same outcomes. Omitting the provisions gives effect to LC 383 Rec. No. 7-10.
1990, s. 101 and Sch 8	Powers of the Welsh Ministers to establish planning inquiry commissions and refer planning questions to them.	The powers have never been used in Wales (or England), and there is no prospect of them being used in future. Omitting them gives effect to LC 383 Rec. No. 9-5.
1990, s. 144(2) to (6)	Provisions conferring a right to compensation where (a) Ministers direct that planning permission should be	The purpose of the provisions was to ensure that a direction to grant planning permission would not make

Omitted provision	Description	Reason for omission
	granted instead of confirming a purchase notice, and (b) the value of the land with that permission alone would be less than its value assuming that permission would be granted for development specified in Schedule 3 to the 1990 Act.	the claimant worse off than if the purchase notice was confirmed. They reflected the fact that the compensation payable for land acquired under a purchase notice was calculated on the assumption that permission would be granted for development specified in Schedule 3. But the compensation is no longer calculated on that basis, as a result of amendments made to section 15 of the 1961 Act by section 232 of the 2011 Act. As a result, section 144(2) to (6) of the 1990 Act no longer has any purpose and may produce perverse results.
1990, s. 223	Entitlement to compensation for removal of advertisement that was being displayed on 1 August 1948.	The section protected people who were displaying advertisements when the system of control under the 1947 Act was first introduced. It is now redundant, and omitting it gives effect to LC 383 Rec. No. 14-17.
1990, s. 231	Power of the Welsh Ministers to require local authority to acquire or develop land.	If the Welsh Ministers considered that land should be acquired for planning purposes or developed, they have other powers (including powers to acquire the land themselves) that would be more suitable. Omitting the section gives effect to LC 383 Rec. No. 16-13.
1990, s. 286(1)	Provision excluding challenges to certain decisions of local planning authorities on the ground that they should have been made by another local planning authority.	The provision is only relevant where there is more than one planning authority for an area, i.e. in areas of England that have county and district councils. Under the Bill, there can only be one planning authority for an area in Wales.
1990, s. 292(2)	Provision about challenges to decisions relating to statutory undertakers that are required to be embodied in orders subject to special parliamentary procedure.	There are no cases to which the provision can apply. The 1990 Act does not provide for any of the decisions in question to be made by order or to be subject to special parliamentary procedure. There were provisions of that kind in sections 159-162 of the 1962 Act, but they were

Omitted provision	Description	Reason for omission
		repealed by section 70(3) of the Town and Country Planning Act 1968. Section 183(3) of the 1962 Act, which corresponded to section 292(2) of the 1990 Act, should have been repealed at the same time.
1990, s. 292A and 296A(1)	Provisions stating that the 1990 Act binds the Crown but does not make it criminally liable.	The provisions are not required because this is now the default position under section 28 of the 2019 Act.
1990, s. 298(3)	Provision applying sections 109 to 112 about apportionment and recovery of compensation to cases where approval under an agreement relating to Crown land is withheld or granted subject to conditions.	Section 298(3) can never apply because there cannot be any compensation under that section to apportion. Sections 109 to 112 are about apportionment and recovery of compensation under section 107, but section 107 is not applied to cases where approval under an agreement is refused. This mistake was first made in section 201 of the 1962 Act, which incorrectly provided for the provisions corresponding to sections 109 to 112 of the 1990 Act to apply. That was not the effect of the previous provisions in section 61 of the Town and Country Planning Act 1954.
1990, s. 302 and Sch 15	Enforcement of planning control in relation to breaches of planning control committed by the Crown between September 1939 and March 1946.	The provisions are no longer required. Omitting them gives effect to part of LC 383 Rec. No. 12-26.
1990, s. 304 and 304A	Powers of the Welsh Ministers to give grants to persons undertaking research and education, or giving advice and assistance, in relation to planning matters.	The powers are not required because the Welsh Ministers can give grants under their general powers in Part 2 of GoWA 2006.
1990, s. 311	Provision for certain expenditure under the 1990 Act to be paid out of moneys provided by Parliament.	The provision relates to financial procedures of the UK Parliament that are not relevant to the Senedd.
1990, s. 313	Requirement to pay compensation recovered under section 112 of the 1990 Act into the Consolidated Fund.	The provision is not required because the Welsh Ministers are required by section 120 of GoWA 2006 to pay receipts into the Welsh Consolidated Fund.

Omitted provision	Description	Reason for omission
1990, s. 314	Power for a county council to treat expenses incurred under certain provisions as “special expenses” chargeable on a particular part of the county.	“Special expenses” are not relevant to expenditure under the Act by county councils in Wales. Omitting the section gives effect to LC 383 Rec. No. 18-18(1).
1990, s. 315	Powers to modify provisions of the 1990 Act in relation to minerals development and interests in minerals.	The power in section 315(1) has been used only once in 1995, and the power in section 315(2) has never been used. The modifications that have been made under section 315(1) are incorporated in the Bill, giving effect to LC 383 Rec. No. 18-8. The Welsh Government does not consider that any power to make further modifications is necessary.
1990, s. 316A	Power to modify section 283 of the 1990 Act (display of advertisements on operational land) in relation to statutory undertakers that are planning authorities.	The power has not been used and the Welsh Government cannot think of any circumstances in which it would be used. Omitting it gives effect to LC 383 Rec. No. 18-4.
1990, s. 335	Provision that “for the avoidance of doubt” the 1990 Act applies despite any enactment in force when the 1947 Act was passed or any local Act passed in 1947.	Whether or not this provision was required when it was first enacted in 1947, there is no longer any need for it. Omitting it gives effect to LC 383 Rec. No. 18-18(2).
1990, Sch 3 and Sch 10	Provisions describing types of minor development that are to be ignored or treated in particular ways when deciding whether development of land has begun and for the purposes of various provisions about compensation and purchase notices (sections 56(5), 107(4), 111(5), 138(2) and 144 of the 1990 Act).	In each case where Schedules 3 and 10 are referred to, the reference either has no practical effect or produces anomalous results. See the entry for section 144(2) to (6) of the 1990 Act in this table, and the notes on the following provisions of the Bill: sections 99 and 107, paragraph 4 of Schedule 10 and paragraphs 1(3) and 14(8) of Schedule 12.
1990, Sch 16	Lists of provisions of the 1990 Act specified for the purposes of certain provisions in Parts 14 and 15 of the Act.	The Schedule is only relevant to provisions in sections 314, 315 and 318 of the 1990 Act that are not restated in the Bill. Omitting it gives effect to LC 383 Rec. No. 18-18(3).

Omitted provision	Description	Reason for omission
1991, Sch 2 para 1 and 3	Provisions about the initial registration of pre-1948 mining permissions and about the determination of the conditions to which permissions were to be subject (other than permissions relating to sites that had been dormant for at least two years prior to 1991).	The deadlines for the initial registration of the permissions and for making applications to determine the conditions of the permissions have long since expired. Schedule 8 to the Bill makes provision for applications to determine the conditions of minerals permissions that were registered under the 1991 Act but related to sites that had been dormant for at least two years prior to May 1991.
1991, Sch 19 (entry relating to repeal of section 221(7) of 1990 Act)	Provision repealing section 221(7) of the 1990 Act (provision that regulations restricting or regulating the display of advertisements may apply to advertisements being displayed on the date the regulations come into force or to the use on that date of any site for the display of advertisements).	The repeal has not been brought into force, despite being enacted over 30 years ago. Section 221(4) of the Bill restates section 221(7) of the 1990 Act and there is no need to restate the repeal.
1995, Sch 13 para 1 (part), 2 to 8, 10, 12 (part) and 15	Provisions about the inclusion of mining permissions (other than pre-1948 permissions) on lists and the determination of the conditions to which permissions were to be subject (other than permissions relating to sites that had been dormant since at least February 1982).	The relevant deadlines for inclusion in the lists and related applications have long since expired. Schedule 8 to the Bill makes provision for applications to determine the conditions of minerals permissions that were included in the lists under the 1995 Act but which related to sites that had been dormant since at least February 1982.
2004, s. 49(2) to (4)	Provision that, where a development order provides for internal operations that increase floor space to come within the meaning of development, any certificate of lawfulness relating to the operations ceases to have effect if the operations have not begun.	Consequential on the omission of the Welsh Ministers' power to bring internal works that increase gross floor area by a specified amount within the meaning of development: see notes on section 6(2) of the Bill.
2004, s. 114	Provision that an independent examination of a plan is a statutory inquiry for the purposes of the Tribunals and Inquiries Act 1992.	Consequential on the inclusion in section 23(9)(a) of the Bill of a power for regulations to make procedural

Omitted provision	Description	Reason for omission
		provision for independent examinations (see notes on section 23 of the Bill).
2008, s. 226 and 228	Provisions stating that the 2008 Act binds the Crown but does not make it criminally liable.	The provisions are not required because this is now the default position under section 28 of the 2019 Act.