



Eich cyf/Your ref
Ein cyf/Our ref

Mike Hedges MS, Chair
Legislation, Justice and Constitution Committee

10 Hydref 2025

Annwyl Mike

Planning consolidation Bills

Thank you for your letter of 23 September 2025; my responses to the Committee's questions are below and in Annexes 1 and 2.

General

Question 1: approach to consolidating legislation pre-dating devolution

1. Most of the legislation consolidated in the Planning (Wales) Bill ("the Planning Bill") pre-dates devolution, and the fact that its text does not fully reflect devolution is one of the reasons why consolidation is desirable. As explained in the introduction to the Drafters' Notes for the Planning Bill (in Annex D1 to the Explanatory Memorandum), the Bill has been drafted to reflect how existing planning legislation has been affected by the Government of Wales Acts and transfer of functions orders made under them (as well as by various other changes in the law).

Question 2: disentangling provisions for Wales from existing legislation

2. This is only the second consolidation project that the Welsh Government has undertaken, so it is too early to say what is "normal" in a consolidation exercise. However, we do not think that the challenges of "disentangling" Wales from England that have arisen in this project are unique to planning law. Where the provisions being consolidated apply to England as well as Wales, we have had to consider carefully the extent to which they are relevant to Wales and how they apply in relation to Wales, and we have had to ensure that the new provisions for Wales and the consequential amendments to existing legislation adopt a consistent approach that does not create unwanted gaps or overlaps. These issues also arose in the consolidation of historic environment legislation, and we expect them to arise in future consolidation exercises.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Question 3: Planning (Hazardous Substances) Act 1990

3. The Explanatory Memorandum touches on the possibility of a future consolidation of this legislation and it was something we identified as a potential project in our programme to improve the accessibility of Welsh law.
4. No representations have been made to the Welsh Government calling for the consolidation of this area of the law. We suspect that this is partly because the law is already predominantly located in the Planning (Hazardous Substances) Act 1990 and partly because the number of cases associated with hazardous substances consent each year is very low compared to other areas of work of planning authorities.
5. This Government continues to be guided by the four criteria set out in the *Future of Welsh Law* when considering projects for consolidation and codification. Whilst future consolidation projects are a matter for the next and future programmes, I continue to believe there would be value in consolidating the planning control aspects of the hazardous substances regime. However, I am also conscious that there are potentially higher priority areas where focus will need to turn and where there is already stakeholder interest in simplifying and modernising legislation in the way we have with historic environment law and now town and country planning.

Questions 4 and 5: Law not consolidated

6. There were no areas of law that we would have liked to consolidate but could not, either because of concerns regarding legislative competence or for other reasons.

Question 6: Incorporation of common law

7. As set out in the Llywydd's guidance on Standing Order 26C.2, consolidation Bills may incorporate the effect of case law that affects the meaning of an existing provision (for example, by clarifying its meaning or by expanding or limiting its effect in a way that is not set out on the face of the provision).
8. Accordingly, where there is settled case law affecting the operation of legislation within the scope of the consolidation exercise, we have sought to incorporate its effect. Doing so increases the provisions' accessibility and provides a more complete restatement. It is the desirability of making the law as accessible and complete as possible that has caused us to incorporate this specific case law, not a desire to incorporate common law rules in and of itself.
9. The table of origins and Drafters' Notes for the Planning Bill (in Annexes B1 and D1 to the Explanatory Memorandum) identify the provisions of the Bill that incorporate the effect of case law. Annex 1 to this letter provides a summary of the case law that has been incorporated.

Role of the Law Commission for England and Wales

Question 7(i): engagement with the Law Commission

10. I refer the Committee to the comprehensive response given by Professor Young when she gave evidence to you on 29 September. I have nothing further to add, save to confirm that separately the Law Commission provided advice to me so that I could reach a decision on making the statements required by Standing Order 26C.11.

Question 7(ii): recommendations suitable for legislative reform

11. The Government provided its Final Response to the Law Commission's report on 10 November 2020¹; in that response we identified the following recommendations that would need to be addressed in a separate law reform Bill:

- 5-4
- 8-5
- 8-7
- 8-13(4)
- 8-18
- 8-30
- 10-4
- 10-5
- 10-8
- 10-9
- 10-10
- 10-11
- 13-1A
- 13-1B
- 13-2
- 13-3
- 13-4
- 13-5
- 13-6
- 13-7
- 13-8
- 13-9
- 15-5
- 14-7
- 16-7

The Government's position regarding these recommendations remains unchanged.

12. The Government now considers the following recommendations should also be considered as part of any future planning law reforms, because they would involve policy changes falling outside the scope of consolidation and/or require further exploration with stakeholders:

- 7-5
- 8-23(2)
- 11-8
- 12-10
- 12-12(2)
- 12-24
- 12-25
- 14-9
- 14-12
- 14-13
- 15-15
- 15-16
- 16-5
- 16-6
- 17-1
- 17-2

13. For completeness please also note that:

- a. recommendations 13-10 and 13-11 were delivered through the Historic Environment (Wales) Act 2023;
- b. recommendations 6-2, 16-8, 16-11 and 16-12 have been implemented through the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025; and
- c. whilst recommendation 9-2 is now redundant following the enactment of the Infrastructure (Wales) Act 2024, its underlying principle has been taken forward to inform the relevant provisions of this Act.

14. While it will be for the next Government to decide whether to take forward the outstanding recommendations as part of any future planning law reform Bill, the Planning Bill will significantly simplify the process of implementing future reforms as it brings all existing legislation together in a single, coherent bilingual framework.

Drafting changes made throughout the Bill

Question 8: "anomalies"

15. As the Llywydd's guidance issued under SO26C.3 sets out, the process of consolidation is "likely to reveal inconsistencies and anomalies in existing legislation." That guidance also makes clear that the Senedd permits the correction of mistakes and anomalies in

¹ see <https://www.gov.wales/detailed-response-law-commission-report-planning-law-wales>.

the legislation (under SO26C.2(iv)) and as you have identified, the Drafters' Notes in Annexes D1 and D2 to the Explanatory Memorandum explain where this has happened.

Section 116(2) of the Planning Bill

16. The addition of a power for the Welsh Ministers to authorise entry on land to determine whether a stop notice should be issued is considered to be a minor change that is appropriate to make in the interests of achieving a satisfactory consolidation. As explained in the Drafters' Notes, the changes made in 1991 resulted in what appears to be an unintended gap in the Welsh Ministers' powers. The absence of a power to authorise entry could frustrate the exercise of other powers that the Welsh Ministers have (such as the powers to issue a stop notice and prosecute for non-compliance).

Paragraph 43(1)(a) of Schedule 19 to the Planning Bill

17. Section 169(2) of the Town and Country Planning Act 1990 ("the 1990 Act") is concerned with disputes as to the identity of an appropriate authority (i.e. the person upon whom a blight notice can be served). A strategic highways company may be an appropriate authority (see section 169(1) of the 1990 Act and paragraphs 16 and 18 of Schedule 13 to that Act as amended by the Infrastructure Act 2015, Schedule 1, paragraph 109). Including a reference to a strategic highways company in section 169(2) seems to be a consequential amendment that should have been made in the Infrastructure Act 2015. Filling what appears to be an unintended gap ensures clarity about who determines questions involving a strategic highway company, treating it in the same way as other highways authorities. It is a minor change that is appropriate to make in the interests of achieving a satisfactory consolidation.

Section 72(5) of the Planning Bill

18. Part 1 of Schedule 5 to the 1990 Act provides for conditions relating to mineral working imposed on grant of permission. Before the 1990 Act consolidated the Town and Country Planning Act 1971, as amended by the Town and Country Planning (Minerals) Act 1981, provision about such conditions were applied to both called-in applications and appeals. Section 79(4) of the 1990 Act applies Part 1 of Schedule 5 to appeals to the Welsh Ministers, but no provision is made to apply Part 1 of Schedule 5 to called-in applications. This appears to have been an oversight and leaves an unintentional gap. Filling it is considered to be a minor change that is appropriate to make in the interests of achieving a satisfactory consolidation.

Question 9: Terminology

19. The introduction to the Drafters' Notes for the Planning Bill (in Annex D1 to the Explanatory Memorandum) explains the main terminology changes that are made in the Bill. Annex 2 to this letter includes the rationale for the changes and why they are considered to aid accessibility. It also sets out what consultation has been undertaken. Consultation or engagement was not considered to be required for all the changes as they simply reflect the intent and effect of the provisions more accurately and use language that is familiar to practitioners and stakeholders.

20. When we published a draft of the Planning Bill in June, we also published a document outlining several of the proposed terminology changes and brought the document to the attention of stakeholders. No queries or concerns were raised by stakeholders regarding the suggested changes to terminology.

Question 10: “expedient” and “appropriate”

21. The provisions of the 1990 Act and other primary legislation that use either “expedient” or “appropriate” and that are restated in the Planning Bill without using either of those terms are listed below.

References to “expedient”

1990 Act provision	Bill provision
s 2(1B)	s 8(1)
s 61B(8)(a)	Sch 1, para 5(2)
s 72(1)(a)	s 67(2)
s 96(1)	s 98(3)
s 97(1)	s 97(1)
s 98(6)	Sch 7, para 2(5)
s 100(1)	s 102(1)
s 103(1)	Sch 14, para 1(6)
s 141(2)	Sch 12, para 6(3)
s 171E(1)(b)	s 120(1)(b)
s 172(1)(b)	s 128(1) and (2)(a)
s 182(1)	s 144(1)
s 183(1)	s 145(1)
s 185(1)	s 150(1)
s 187B(1)	s 153(1)
s 214A(1)	s 251(1)
s 243(1) and (2)	s 270(1) to (3)
s 247(2)	s 283(1) and 288(1)
s 247(4)	s 283(5) and 288(3)
s 248(2)	s 281(2)
s 261(3)	s 296(5)
s 275(1)	s 317(1)
s 275(3)	s 317(1)
s 275(5)(c) and (d)	s 317(5) (c) and (d)
s 306(3)	s 395(4)
Sch 5, para 4(4)	Sch 3, para 3(4)
Sch 9, para 4(1)	Sch 15, para 2(6)
Sch 9, para 7(1)	Sch 15, para 6(7)
Sch 9, para 11(1)	s 206(2) and (3), Sch 15, para 1(2), (3), 5(2) and (3)
Sch 14, para 6	Sch 17, para 19

Environment Act 1995 provision	Bill provision
Sch 14, para 2(1) (“mining site”)	Sch 9, para 1(2)(a)
Sch 14, para 2(2)	Sch 9, para 1(3)
Sch 14, para 3(4)	Sch 9, para 2(3)(c)

Planning and Compulsory Purchase Act 2004 provision	Bill provision
s 122(3)	s 407(3)

Planning Act 2008 provision	Bill provision
s 223(4)	s 203(3)

References to “appropriate”

1990 Act provision	Bill provision
s 78(4BB)	s 75(2)
s 92(4)	s 94(1)(a)
s 195(1DB)	s 161(2)
s 296A(3)	s 403(2)
s 319B(2)	s 366(3)
Sch 14, para 1(4)	Sch 17, para 11(3)

22. Section 4 of the Planning (Consequential Provisions) (Wales) Bill incorporates the powers conferred by sections 9(1) and 243(3) of the 1990 Act, without including the words “necessary or expedient” that appear in those provisions.

Subordinate legislation

Question 11: balance between primary and secondary legislation

23. Considerable thought has been given to achieving the correct balance between primary and secondary legislation in the consolidation process, with provisions being considered on a case-by-case basis, taking into account matters such as:

- a. the importance of the provisions both in terms of their significance to planning law and to the flow of the Bill (whether inclusion in the Bill would achieve a more coherent regime or would disrupt accessibility);
- b. the need to deal with similar provisions in a similar way, so that there is consistency in approach to the split between primary and secondary legislation;
- c. whether secondary legislation included modifications of primary legislation that would be better dealt with in the Bill; and
- d. whether significant provisions in secondary legislation had not changed for some considerable time.

Question 12: effect on regulation-making powers to be exercised

List of existing subordinate legislation being consolidated

24. The table of destinations in Annex C1 to the Explanatory Memorandum lists the subordinate legislation that is being consolidated (see pages 68-72 of the English table and pages 70-73 of the Welsh table).

List of matters to now be dealt with in subordinate legislation

25. The Drafters’ Notes for the Planning Bill (in Annex D1 to the Explanatory Memorandum) include details of provisions currently in Acts that will (or may) now be dealt with in subordinate legislation. See the Drafters’ Notes for sections 63 and 97, paragraph 6 of Schedule 8, paragraphs 5(6) and (7) and 13 of Schedule 9, and sections 131(8), 133, 162, 172(3) and 244.

Assessment of changes

26. Overall, more provision has been moved from regulations to the face of the Bill, in line with the matters outlined in our response to question 11. For example:

- a. modifications to primary legislation made by the Town and Country Planning (Minerals) Regulations 1995 (S.I. 1995/2863) are now dealt with in the Bill, and
- b. as explained at paragraphs 37 and 38 of the Drafters' Notes, provisions about the manner and time period for making claims for compensation currently found in regulation 12 of the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) have been restated in the Bill (subject to a power to make regulations amending time limits in section 391 of the Bill).

27. A smaller number of provisions have been moved from primary legislation and will instead be included in secondary legislation. For example:

- a. procedural matters which are more appropriately dealt with in secondary legislation such as the omission of a requirement to consult a site licensing authority before granting planning permission for a caravan site currently found in section 71(3) and (4) of the 1990 Act, and
- b. where the Law Commission have recommended a change as in recommendations 12-14 and 8-28(2).

Question 13 – Timescales for subordinate legislation

28. Commencement is expected to take place within 18 months from Royal Assent. It is anticipated a package of Welsh statutory instruments will be made, and or, laid before the Senedd during this period.

29. As noted at paragraph 64 of the Explanatory Memorandum, if the Bills are enacted, this work will include preparing new regulations to make consequential amendments to existing subordinate legislation. This will include revoking provisions that have been consolidated into the (then) Planning (Wales) Act.

Question 14 – Restating regulations

30. The Government's programme to improve the accessibility of Welsh law includes a phased project aimed of consolidating key town and country planning subordinate legislation. As set out at paragraph 20(b) of the programme we intend to undertake a fuller analysis of this work now that the main work drafting of the consolidation Bills has concluded.

31. As noted above a small number of Welsh statutory instruments (including some of those which will be most affected by changes made in the Act) will be restated within 18 months from Royal Assent. The timescales for restating the remaining legislation will be guided by whether major reforms to a particular instrument are proposed and to what extent the enactment is used by practitioners. It is not currently proposed to bring forward longer but fewer regulations, but this will be kept under review as our analysis is concluded and a programme developed.

32. I would anticipate that the next Government would include further details on this work in the next programme to improve the accessibility of Welsh law.

Codification of Welsh Law

Question 15 – Taxonomy of Welsh law

33. Updates on the Government's programme to improve the accessibility of Welsh law will be made in the next annual report due later this year.

Yn gywir,



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Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

ANNEX 1 – NOTE ON CASE LAW INCORPORATED IN PLANNING (WALES) BILL

Sections 17(6) and 19(7)

Incorporates *R (Persimmon Homes Ltd) v Vale of Glamorgan Council* [2010] EWHC 535 (Admin) by clarifying that the references in sections 60M(6)(a) and 62(5)(a) of the Planning and Compulsory Purchase Act 2004 to “current national policies” are references to policies issued by the Welsh Ministers.

Section 113(1) (second row of table)

Incorporates *Van Dyck v Secretary of State for the Environment* [1993] 1 PLR 124 by clarifying that the reference in section 171B(2) of the Town and Country Planning Act 1990 to “change of use of any building to use as a single dwellinghouse” is a reference to changing the use of a building to use as a dwelling or, if a building was previously used as one or more dwellings, as use as a different number of dwellings.

Section 128(5) and (6)

Incorporates *Secretary of State for the Environment, Transport and the Regions v Wyatt Bros (Oxford) Ltd* [2002] PLCR 18 by making clear that the reference in section 173(3) of the Town and Country Planning Act 1990 to an enforcement notice specifying steps in order to achieve “any of the following purposes” includes either or both of the purposes specified in section 173(4) (despite the “or” after paragraph (a) of that subsection).

Section 246(3)

Incorporates *Distinctive Properties (Ascot) Ltd v Secretary of State* [2015] EWCA Civ 1250 by clarifying that, in practice, the requirement in section 206(3) of the Town and Country Planning Act 1990 to plant “the same number of trees” as have been removed etc. means that where the exact number of trees removed etc. is not known, the requirement is to plant the best estimate that can reasonably be made of the number of trees removed. In *Distinctive Properties*, where the tree replacement notice in question imposed a requirement to use standard planting densities to calculate the number of replacement trees to be planted, it was held that an acceptable estimate had been made of the number of trees removed etc.

Section 263(2)

Incorporates *Clays Lane Housing Co-operative v Housing Corporation* [2005] 1 WLR 2229 and *Horada v Secretary of State for Communities and Local Government* [2017] 2 All ER 86 by providing that a local authority may only compulsorily acquire land for planning purposes under section 226(1) of the Town and Country Planning Act 1990 where there is a compelling case in the public interest for doing so.

Schedule 12, paragraph 1(3)

Incorporates *Hudscott Estates (East) Ltd v Secretary of State for the Environment, Transport and the Regions* (2001) 82 P&CR 8 and *R (Stafford Borough Council) v Secretary of State for Communities and Local Government* [2011] EWHC 936 (Admin) by clarifying the meaning of “unauthorised prospective use of land” in the provisions in section 138 of the Town and Country Planning Act 1990 on the meaning of “reasonably beneficial use”.

It was held in *Hudscott* that the reference in section 138(2)(a) of the 1990 Act to development other than any development specified in paragraph 1 or 2 of Schedule 3 to the 1990 Act has no relevance to whether or not land is capable of reasonably beneficial use. The reference is, therefore, otiose, and is not restated (and in any case, Schedule 3 to the 1990 Act is not restated in the Bill).

The judgment in the *Stafford* case sets out that the only uses that can be considered in determining whether land has a reasonably beneficial use are those for which no planning

permission is required or for which planning permission is deemed to be granted. Paragraph 1(3) of Schedule 12 to the Bill therefore provides that a prospective use of land must be ignored if it would involve development for which planning permission has not been granted. The reference in paragraph 1(3) to development for which neither a planning authority or the Welsh Ministers have undertaken to grant permission has been included for consistency with section 110(3)(c) of the Bill; that section provides that an undertaking to grant permission is relevant to whether land can be made usable, so it would not make sense to also require such an undertaking to be ignored in applying paragraph 1(3) of Schedule 12 to the Bill in determining whether reasonably beneficial use may be made of land.

Schedule 12, paragraph 1(4)

Incorporates *Balco Transport Services v Secretary of State for the Environment (No. 2)* [1986] 1 WLR 88 by providing that land is not incapable of reasonably beneficial use in its existing state if that state was caused by a breach of planning control, an enforcement notice has been, or could be, issued to require steps to be taken to remedy the breach or any injury to amenity caused by it, and the land would be usable if the steps were taken.

The judgment in *Balco* was in response to paragraph 18 of Welsh Office Circular 22/83, which provided that in determining whether a purchase notice ought to be confirmed, Ministers are not interested in the previous state of land to which a purchase notice relates, *apart from where it was caused by activities carried out in breach of planning control*. The judgment modified the effect of the Circular to make clear that purchase notices must not be confirmed where the condition of the land has been caused by development carried out without planning permission and that an enforcement notice has been, or could be, issued to the owner or occupier to require steps to be taken to restore the land, and that the land would then be capable of reasonably beneficial use (i.e. a landowner should not be able to serve a purchase notice in respect of land that is unusable because of the landowner's own actions in breach of planning control, in relation to which an enforcement notice has been, or may be, issued).

Schedule 12, paragraph 4(1)

Incorporates *Wain v Secretary of State for the Environment* (1982) 262 EG 337 and *Cook and Woodham v Winchester City Council* (1994) 69 P&CR 99, which make clear that purchase notices served under section 137 of the Town and Country Planning Act 1990 must relate to all of the land to which the planning decision or order relates (i.e. the planning decision or order that leads to the service of the purchase notice), and no other land.

Schedule 12, paragraph 4(6) and (7)

Incorporates *White v Herefordshire Council* [2008] 1 WLR 954, which clarifies that purchase notices served under section 137 of the Town and Country Planning Act 1990 cannot be amended but that further notices may be served in place of earlier notices.

Schedule 12, paragraph 9(3)

Incorporates another element of the judgment in the *White* case, which clarifies that section 143(2) of the Town and Country Planning Act 1990 applies where the purchase notice has been sent to the Welsh Ministers for confirmation.

Also incorporates *Sheppard v Secretary of State for the Environment* [1975] 1 EGLR 133 by omitting the reference in section 143(2)(c) of the 1990 Act to the Welsh Ministers giving notice to the owner of the land that they do "not propose" to confirm the notice. Instead, the restatement at paragraph 9(3) applies where the Welsh Ministers have made a decision to not confirm a purchase notice.

ANNEX 2 – CHANGES TO TERMINOLOGY

Note: references to recommendations are references to recommendations in the Law Commission’s 2018 report *Planning Law in Wales*

Current term or phrase	Proposed term or phrase	Rationale	Consultation
Appointed person (or person appointed by the Welsh Ministers)	Inspectors	Implements recommendation 5-11	Undertaken by the Law Commission to inform its final report (and see the consultation paper and final report for its rationale) The Government’s consultation on new regulations about preserving trees and woodlands ² outlined the proposed approach to include woodland preservation orders in the Bill and gave stakeholders an opportunity to comment. No issues were raised about the term.
Material considerations	Relevant considerations	Implements recommendation 5-2(2)	
Tree preservation order	Tree preservation order Woodland preservation order	Implements recommendation 15-3(4)	
Local planning authority and Mineral planning authority	Planning authority	Implements recommendation 5-13	
Hazardous substances authority	Planning authority	The hazardous substances authority for an area in Wales will always be the planning authority. The proposed change therefore reflects this position.	No engagement considered necessary as the change more accurately reflects the effect of the power.
Unified district (of joint planning board)	Joint planning area	Avoids outdated reference to districts (which no longer exist in Wales)	No engagement considered necessary as change more accurately reflects current arrangements
Planning contravention notice	Enforcement investigation notice	Changes reflect the effect of the provisions more accurately. For example, a “completion notice” will state that a permission will cease to have effect at the end of a specified period, but it cannot guarantee completion of the development. A “suspension order” may be issued where mining operations have	No engagement considered necessary as changes more accurately reflect the intent and effect of the powers. A stakeholder event was held on the minerals provisions, following the publication of the draft Bill in June 2025, which identified the change and no comments were raised.
Completion notice	Termination order		
Suspension order Supplementary suspension order	Protection order		

² [Preserving trees and woodlands: new regulations | GOV.WALES](https://gov.wales/preserving-trees-and-woodlands-new-regulations)

Current term or phrase	Proposed term or phrase	Rationale	Consultation
		<p>ceased temporarily. It requires the recipient to take steps to ensure that the environment is protected until the use restarts. The focus of the order is environmental protection.</p> <p>A “supplementary suspension order” simply makes further provision to that end or revokes the original order; it does not need a different name.</p>	
Notice under section 215 of the 1990 Act	Maintenance of land notice	<p>The Bill has generally been drafted so that every type of order or notice has a specific name, clarifying what it does, rather than being referred to by the number of the section or regulation that creates it. This makes the legislation more accessible – particularly in the period immediately following the coming into effect of a consolidation Bill, when the new section numbers will not yet be well-known.</p>	<p>No engagement considered necessary as the approach reflects many of the terms that are already used in practice such as maintenance of land notice (which is used by PEDW in their guidance documents^{3, 4}) or tree replacement notice which is used in Welsh Government guidance including Technical Advice Note 10⁵.</p> <p>The term “discontinuance order” is well-established, used by practitioners and referred to in the Welsh Government <i>Development Management Manual</i>⁶ and mineral guidance on the review of mineral planning permissions 1995⁷.</p>
Notice under section 207 of the 1990 Act	Tree replacement notice		
Notice under section 330 of the 1990 Act	Information notice		
Order under section 102 of the 1990 Act	Discontinuance order		
Order under paragraph 1 of schedule 9 to the 1990 Act			
Regulations under section 220 of the 1990 Act	Control of advertisement regulations		
Appropriate authority (in relation to Crown land)	Appropriate Crown authority	<p>Minor changes that will increase the relevant provisions’ accessibility and achieve consistency in the Bill. Use of more common terminology</p>	<p>Due to the minor nature of the changes, no consultation or engagement was undertaken.</p>
Ecclesiastical property	Church of England land		

³ [Maintenance of land appeals | GOV.WALES](#)

⁴ [maintenance-of-land-notices.pdf](#)

⁵ [Technical advice note \(TAN\) 10: tree preservation orders | GOV.WALES](#)

⁶ [Development management manual | GOV.WALES](#)

⁷ [minerals-planning-guidance-14.pdf](#)

Current term or phrase	Proposed term or phrase	Rationale	Consultation
Former PTO	Former public telecommunications operator	reflects modern drafting and simplifies terms in the Bill. Not using acronyms and having names in full as well as moving away from cross references to other sections in Acts improves accessibility.	
Fuel or field garden allotment	Allotment		
Holder of a licence under section 6 of the Electricity Act 1989	Electricity licensee		
Person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000	Air traffic licensee		
Winning and working of minerals	Mining operations	Change to “mining operations” implements recommendation 18-5.	<p>The change to mining operations was the subject of public consultation undertaken by the Law Commission to inform its final report.</p> <p>Engagement was undertaken with planning authority minerals leads for North and South Wales which included reviewing proposed definition and terminology changes for some of the definitions including mining operations, minerals development, waste and deposit(ing) of mineral waste. They were not aware of any challenges around the proposed definitions and were content with the approach taken to the drafting.</p> <p>A stakeholder event was held on the minerals provisions following the publication of the draft Bill in June 2025, which identified the other changes including the use of pre-1948 minerals permissions, and no longer needing to restate Phase I and Phase II sites. No comments</p>
Development consisting of the winning and working of minerals or involving the depositing of mineral waste	Minerals development	Bringing together the minerals and waste provisions from a number of enactments has resulted in changes to terminology. Various different expressions had been used to refer to similar things and by bringing them together enabled concise terminology with clear meaning to be used, increasing accessibility whilst retaining the current legal effect.	
Refuse or waste materials	Waste		
Mineral-working deposit	Deposit of mineral waste		
Old mining permission	Pre-1948 minerals permission		
Phase I site or Phase II site	Site shown in a list prepared under paragraph 3 of Schedule 13 to the Environment Act 1995		

Current term or phrase	Proposed term or phrase	Rationale	Consultation
		There does need to be some reference to the lists due to the provisions relating to dormant sites and the periodic reviews of minerals permissions in the Bill.	were raised over these proposed changes.