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Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
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Mike Hedges MS, Chair
Legislation, Justice and Constitution Committee

10 December 2025

Annwyl Mike

Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill

I am grateful to the members of Legislation, Justice and Constitution Committee and your support staff, for their consideration of both Bills. The Government is also grateful to those stakeholders and other interested persons who took their time to help develop the Bill before introduction and those who gave evidence to the Senedd during Initial Committee Consideration.

The Committee made six recommendations to the Government in its report on the Bills, and this letter provides my response to those.

Recommendation 1: During the debate on the Initial Consideration of the Bills, the Counsel General should provide the latest information about the required consent and consultation that is necessary to bring the Planning (Wales) Bill within the legislative competence of the Senedd.

Response: Accept

The Secretary of State for Wales provided the necessary consent on 20 November 2025.

Recommendation 2. During the debate on the Initial Consideration of the Bills, the Counsel General should provide the latest information about any amendments that will be required to be made to the Planning (Wales) Bill or the Planning (Consequential Provisions) (Wales) Bill as a consequence of the UK Government's Planning and Infrastructure Bill, should the Bills proceed to Detailed Committee Consideration.

Response: Accept

The Planning and Infrastructure Bill is expected to conclude ping-pong by the time the UK Parliament rises for its Christmas recess. But subject to the final form of that Bill being

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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.

settled, I currently anticipate that 15 minor amendments will need to be made to three Schedules to the Planning (Consequential Provisions) (Wales) Bill if the Senedd agrees it should proceed as a consolidation Bill. No amendments will be needed to the Planning (Wales) Bill.

Recommendation 3. The Counsel General should confirm that section 9 of the Planning (Wales) Bill does not include any changes to existing law, and clarify her reason for that view

Response: Accept

I confirm that the drafting changes in section 9 of the Planning (Wales) Bill do not change the effect of the provisions being restated. Whereas section 2(1D) of the Town and Country Planning Act 1990 provides that the area of a joint planning board “shall not” include any part of a National Park, the English language text of section 9(1) of the Bill provides that it “may not” include any part of such a Park. Both formulations have the effect of preventing National Parks being included in the areas of joint planning boards (although there is also a power to change that by regulations). The use of “may not” in the English language text of section 9(1) reflects the Office of the Legislative Counsel’s drafting practice, set out in paragraphs 3.13 and 3.14 of *Writing Laws for Wales*, of avoiding the word “shall” in English. The “may not” formulation is commonly used to limit powers and is found in many other places in the Bill, including in section 8(2) which applies to the same power.

Recommendation 4. In response to concerns raised by stakeholders, the Counsel General should give further consideration to whether section 19(9) of the Planning (Wales) Bill may benefit from additional clarity, and should write to all planning authorities to report on her consideration

Response: Accept

For the reasons given in earlier correspondence and in evidence to the Committee, I am satisfied that section 19(9) of the Planning (Wales) Bill will not apply to plans that were adopted before the provision that it restates came into force. However, I note that since my officials and I gave evidence to the Committee, the Committee has received correspondence from another planning authority arguing that express provision should be made to this effect. In order to resolve this issue, if the Senedd agrees that both Bills may proceed as consolidation Bills, I intend to bring forward an amendment to the Planning (Consequential Provisions) (Wales) Bill stating that the provisions in section 19 of the Planning (Wales) Bill relating to the expiry of plans do not apply to local development plans adopted before 4 January 2016.

Recommendation 6. The Counsel General should set out a road map for the making of subordinate legislation under the Planning (Wales) Bill, and highlight the opportunities available to stakeholders to inform the development of subordinate legislation.

Response: Accept

If enacted, the planned implementation of the Bills will take place through two phases of work and officials are preparing to publish the road map for each phase if the next Government is content with the proposed approach.

To assist the Committee’s understanding, I am happy to confirm the proposed approach:

- The road map for the first stage will set out the full 18-month implementation period, culminating in the commencement of the (then) Acts. Officials are working on this being published at the start of the next Senedd term, if the incoming Government are content with the approach. It will include bringing forward Welsh Statutory Instruments making consequential amendments to existing planning-related subordinate legislation, as well as making new provision for the protection of trees. In addition, a small number of the instruments most frequently used by practitioners or requiring substantial updates will be restated as part of this implementation stage, potentially including the Town and Country Planning (Use Class) Order 1987 and the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- The second stage will focus on restating the remaining legislation in a phased approach after the commencement of the Bills. Fuller details (the 'road map') would be set out in the next Government's accessibility of law programme which is due to be published in the next Senedd term.

I am grateful to those stakeholders who have already helped shaped our plans, both from their involvement in the Law Commission's original consultation which resulted in a number of recommendations relating to changes needed to subordinate legislation, through to more recent engagement on proposed new regulations for the protection of trees.

Officials intend to maintain the involvement of stakeholders throughout the implementation phase, mirroring the approach taken during the Bill's development. Where any uncertainties arise during the restatement of subordinate legislation, officials will engage with stakeholders to seek their specialist input. Should any reforms be considered as part of the consolidation process, those elements will be the subject of formal consultation in the usual way. Of course broader engagement on the Planning Directorate's work programme and the wider implementation of the Bills, will ensure stakeholders receive regular updates on the progress of these work packages.

Recommendation 7. The Counsel General should clarify the anticipated role of The National Archives in respect of the creation and maintenance of codes of Welsh law

Response: Accept

The National Archives has no role in the creation of codes of Welsh law; this is because only the Senedd and the Welsh Ministers can establish a code through the passing of primary legislation or the making of subordinate legislation where a statement regarding the legislation forming part of such a code is included.

Similarly, The National Archives are not responsible for the maintenance of codes of Welsh law. Acts of the Senedd and Welsh statutory instruments that form part of a Code will be published by the King's Printer for Wales and, as a result of Part 2B of the 2019 Act, this will include publication online.

As explained in the Government's evidence to the Committee, the Welsh Government will publish the Codes online.

Yn gywir,



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