

PCB05 Cymdeithas Tir a Busnes Cefn Gwlad Cymru | CLA Cymru

Senedd Cymru | Welsh Parliament

Y Pwyllgor Deddfwriaeth Cyfiawnder a'r Cyfansoddiad | Legislation, Justice and Constitution Committee

Gwaith craffu ar Filiau Cydgrynhai Llywodraeth Cymru ym maes cynllunio | Scrutiny of the Welsh Government's planning Consolidation Bills

Ymateb gan: Cymdeithas Tir a Busnes Cefn Gwlad Cymru | Evidence from: CLA Cymru



Scrutiny of the Welsh Government's Planning Consolidation Bills

Legislation, Justice and Constitution Committee Consultation

Date: 7th October 2025

Introduction

1. The Country Land and Business Association (CLA) is the membership organisation for owners of land, property and businesses in rural England and Wales. We exist to champion, protect and enhance our rural economy, environment and way of life. Our aim is to unlock the potential of the rural economy so that our members can feed the country, create jobs and prosperity, invest in communities and protect the environment for future generations. Together, CLA members own and manage around half the rural land in England and Wales and more than 250 different types of businesses.
2. The CLA welcomes this opportunity to respond to the Legislation, Justice and Constitution Committee's consultation supporting its scrutiny of the Planning (Wales) Bill and the Planning (Consequential Provisions) (Wales) Bill, each introduced on the 15th September 2025.
3. The CLA understand that the purpose of these bills is for consolidation of existing law only. The CLA **supports** this aim as such consolidation is needed. We agree with the finding of the Law Commission's 2018 report, which we understand is a key driver of this legislation, that Wales currently has "an unnecessarily complex legislative code, which is difficult even for seasoned practitioners to find their way around, and almost impossible for lay people".¹
4. We must stress that the legislative complexity to be addressed by the bills is only one of several problems facing the Welsh planning system. It is crucial that the government does not consider the consolidation provided these bills to fix the planning system by itself.
5. The membership of the CLA includes a wide variety of small business owners, many of whom are seeking to expand in various ways only to find themselves frustrated and prevented by not only the legislative complexity of planning law, but also the administrative system it creates. CLA members frequently face instances where development cannot proceed despite appearing in principle to accord with planning policy. The blockers frequently faced include proportionality and expense of survey requirements and the lack of resource or understanding of rural issues at local authority/planning officer level.
6. A consultation response directed at scrutiny committee of a consolidation bill is not the place to lay out our proposed improvements to the planning system in detail. However, we urge members of the committee be clear to the Welsh Government that a further planning bill whose scope extends to matters of policy is also required urgently to address the issues of the Welsh planning system.

¹ [Planning Law in Wales - Final Report](#) paragraph 2.11

7. We have addressed the questions in the consultation below.

Scope of the consolidation is appropriate and relevant enactments have been included;

8. In light of the non-inclusion of compulsory purchase and infrastructure legislation in this consolidation exercise, we do not believe that the inclusion of statutory blight notices is appropriate.
9. The use of such notices is overwhelmingly in cases of compulsory purchase or procedures related to it such as safeguarding orders. These are not elements of the planning system as defined in the explanatory memorandum.
10. The only case which, arguably, falls into the planning system so defined is that identified in Schedule 19 Part 1 Paragraph 1 of the Planning (Wales) Bill. However, such cases are extremely rare.
11. It would make more sense to us to include blight notices in a separate piece of consolidating legislation relating to compulsory acquisition.

Limitation of the Bills to consolidating the enactments or changing their substantive legal effect only to the extent allowed by Standing Order 26C.2;

12. We can see no cases of the Bills making changes outside of their remit under Standing Order 26C.2.
13. Due to their sheer length, we have not been able to compare the entirety of the Bills against the legislation they seek to consolidate. This should not therefore be taken as an endorsement of the Bills.

Clarity and consistency of consolidation by the Bills

Changes to terminology

14. We note that the aim of the Bills is to make Welsh planning law more accessible and easily understood. The CLA fully supports this aim.
15. However, we believe the proposed changes to terminology undermine rather than support this objective.
16. We agree that the phrase “material consideration” would not carry any clear meaning to the lay person, but we disagree that the phrase “relevant consideration” is better. We do not consider that there is an alternative phrase which would make the concept of a material consideration clear to someone who is not already familiar with the planning system. This is because a “material consideration” is a technical concept which requires some working knowledge of the planning system regardless of what it is called.
17. It would be sensible to consider instead the impact of changes in terminology on professional practitioners. For example, many consultancies work cross-border. Use of the standard phrase “material consideration” in both nations ensures consistency and

understanding. Using different phrases for the same concept in the two nations introduces potential confusion for no clear benefit.

18. The existing term “material consideration” should therefore be maintained, as should “completion notice”, “planning contravention notice”, etc.
19. It is absolutely in the national interest to make the planning system in general easier to understand for the lay person. Despite this, there will always be precise legal terms which will be used primarily by experts, even if these terms are made to resemble plain language. The Bills should consider these legal terms mainly with experts rather than the public in mind.

Certain wording within the Bills

20. There remains some language in the Bills which in our view warrants improvement.
21. For example, we draw the Committee’s attention to S43(3) of the Planning (Wales) Bill. This reads that:

“Where planning permission to develop land has been granted subject to limitations by a development order or a local development order, planning permission is not required for the use of the land which (apart from its use in accordance with the permission) is its normal use.”

This subsection is very difficult to parse due to a 21-word free relative clause at its start, which is largely inherited from S57(3) of the Town and Country Planning Act 1990. It may be that there is no more accessible way to include this wording, but it struck us as a clear case where the bill’s goals might be useful.