

PCB11 Sara Hanrahan, Blake Morgan LLP

Senedd Cymru | Welsh Parliament

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

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

Ymateb gan: Sara Hanrahan, Blake Morgan LLP | Evidence from: Sara Hanrahan, Blake Morgan LLP

In summary, the proposed consolidation of planning legislation in Wales into a single Bill is welcomed. This will certainly allow for better understanding and application of planning law compared to the current complex legislative landscape. A similar exercise is overdue in England particularly with the recent reforms to the planning system introduced with the Levelling-up and Regeneration Act 2024 (LURA) and those proposed under the Planning and Infrastructure Bill. The employment of plainer language, updated terminology, and bilingual options are exemplary aims to provide wider accessibility to the people of Wales.

It is also noted that the legislation that has been consolidated has omitted several pieces of related legislation to avoid over complication. This is sensible given that some of the laws relating to regimes such as compulsory purchase and infrastructure and development consents are extremely complex and accordingly best kept separated.

Accordingly, my comments are limited to the following:

- LURA - the Memorandum to the Planning (Wales) Bill makes reference to Part 6 of LURA and the intention to exclude those proposals dealing with environmental outcome reports. However, there are other parts of LURA that cover both England and Wales and general clarity would be helpful on whether other parts of LURA have been incorporated or not.
- Planning and Infrastructure Bill - there is no mention in the Memorandum to the Planning (Wales) Bill of the current Planning and Infrastructure Bill which covers both England and Wales. Has this been taken into consideration as Royal Assent is expected this November? Again some clarity in the Memorandum would be helpful.

- *Hillside* case – Lord Banner tabled an important amendment to the Planning and Infrastructure Bill which was recently withdrawn. However, his amendment was sensible given the widespread confusion following the Supreme Court decision in *Hillside* around overlapping consents with drop-in permissions. The Planning (Wales) Bill is an opportunity to re-consider this amendment to allow overlapping consents which would help reduce judicial review challenges that stall developments.
- Rachel Reeves is expected to introduce further planning reforms before her November budget. There is little information about what these will be although there is mention of a Nature Bill and a follow-up planning bill possibly to make ancillary changes to the TCPA eg introducing three categories of development with differing thresholds for requirements as out for consultation earlier this year. These changes if announced before the budget may have relevance for consideration by the Committee.

I hope the above is helpful and I appreciate that some of the points might be outside devolved powers.

Regards

Sara

Sara Hanrahan

Partner

For and on behalf of Blake Morgan LLP