

Policy Paper

An overview of the planning system in Wales

Planning Policy Wales (PPW)

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The Welsh Government is responsible for overseeing the land use planning system in Wales, at a local level there are 22 unitary counties and three national park authorities.

The Planning & Compulsory Purchase Act 2004

The Planning & Compulsory Purchase Act 2004 requires each authority to produce a Local Development Plan (LDP). Make sure you find out at what stage your authority's LDP is at and respond to plan making consultations where appropriate. Preventing sites with woodland on being allocated is the most effective way of protecting it from development. Equally there should be policies within the LDP to protect ancient woodland, it is important that you cite these in responding to planning applications.

Well-being of Future Generations (Wales) Act 2015

This Act places a duty on public bodies (including all local planning authorities) to take a more joined-up approach to long term problems.

The Act puts in place a 'sustainable development principle' which tells organisations how to go about meeting their duty under the Act. Doing something 'in accordance with the sustainable development principle' means that the body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The Act also sets out seven goals and five ways of working that public bodies must work towards achieving.

It is important to note that these goals are all given equal weight, therefore public bodies must work towards all of them rather than focusing on specific goals. With regard to ancient woodland protection 'A resilient Wales' is the most notable goal. In the accompanying explanation it states:

"A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change)."

Make sure you find more information on the [Well-being of Future Generations Act](#) as it is always worth citing the Act in planning objections to remind public authorities about their long term duty to the environment.

The Future Generations Commissioner's role is to help public authorities understand and meet their obligations under the Act, and she has provided guidance, for example on consideration of the M4 relief road. This makes it clear that environmental and social objectives cannot be traded away in favour of economic outcomes.

National Planning Policy

Planning Policy Wales offers strong policy protection for ancient woodland so make sure you quote it when making an objection. It states in paragraph 5.2.9:

"Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage."

This guidance is supplemented by 21 Technical Advice Notes (TANs) and procedural guidance set out in circulars. Moreover, a new edition of Planning Policy Wales is in preparation and we have proposed strengthening its protection for ancient woodland.

Of most significance to ancient woodland is Technical Advice Note 5, Nature Conservation and Planning, the following paragraph is of particular note:

"Where relevant, local development plans should include policies that:

- *Set out general criteria against which all development proposals will be tested for their compatibility with nature conservation objectives and/or sustainable development principles;*
- *Protect ancient woodlands, veteran trees and other trees of nature conservation value;"*

Developments of National Significance

The Planning (Wales) Act 2015 made provision to establish a new category of development named Developments of National Significance (DNS).

DNS are planning applications that are submitted directly to the Welsh Ministers, rather than to a Local Planning

Authority. The Planning Inspectorate (PINS) will consider these applications and decide them on behalf of Welsh Ministers. PINS will be required to make its decision within 36 weeks in most cases, once an application is submitted.

As the name suggests this new regime will only apply to the most major applications in Wales, so very few projects will come through on an annual basis. There are specific thresholds to DNSs, but the basic list of types of development is as follows:

- Energy generating stations;
- Underground gas storage facilities;
- Facilities for Liquid Natural Gas;
- Gas reception facilities;
- Airports;
- Railways;
- Rail freight interchanges;
- Dams and reservoirs;
- Transfer of water resources;
- Waste water treatment plants; and
- Hazardous waste facilities

The Act also introduces a new formal pre-application stage, so it is worth being aware of this earlier consultation opportunity. The secondary legislation was only voted through in January 2016 so this system remains unknown and untested and a new spatial planning framework for major infrastructure projects is in development.

Development Plans

Development Plans are the way that local authorities plan spatially for future development – they outline where/ how much different types of development will be allowed within a local authority area, and detail the individual policies of that local authority on development.

Every local planning authority in Wales has a statutory duty to prepare a local development plan (LDP) within the framework set by national planning policy in Planning Policy Wales. Once adopted, local planning authorities must prepare an Annual Monitoring Report (AMR) demonstrating how the plan is delivering against its objectives. They must complete a full review every 4 years to ensure the plans stay up-to-date.

Where an individual planning application is affecting trees or woodland, it is useful to know what the Local Authority Policy is for their protection. It is also valuable to comment on draft plans, where there are important areas of woodland or veteran trees – so that any future development can take account of these.



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