PLANNING (CONSEQUENTIAL PROVISIONS) (WALES) ACT 2026

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Planning (Consequential Provisions) (Wales) Act 2026 (referred to in these Notes as "the Consequential Provisions Act" or "this Act") that was passed by Senedd Cymru on 10 March 2026, alongside the Planning (Wales) Act 2026 ("the principal Act"). Both Acts received Royal Assent on 27 April 2026. The Explanatory Notes relate to the Act as it received Royal Assent.[1] They should be read in conjunction with this Act but are not part of it.

2. These Notes do not provide a comprehensive description of the contents of the Consequential Provisions Act. Where a provision does not seem to require explanation or comment, none is given.

3. References in these Notes to "amendments" should be taken to include repeals.

COMMENTARY ON SECTIONS

Section 2 – Minor and consequential amendments and repeals

4. Section 2 introduces Schedules 1 to 4 that together set out the many amendments to other pieces of legislation that are necessary because of the enactment of the principal Act. They also contain a small number of such amendments arising from the enactment of the Historic Environment (Wales) Act 2023 (asc 3).

5. Schedule 1 contains amendments to the Town and Country Planning Act 1990 (c. 8) ('the 1990 Act'); and Schedule 2 contains amendments to other Acts of the UK Parliament. Schedule 3 contains amendments to Assembly Measures and Acts of Senedd Cymru. Schedule 4 contains amendments to other legislation.

1 Changes that have been made to the Act since it received Royal Assent can be identified using the "Changes to Legislation" facility at www.legislation.gov.uk/changes

6. Some of the amendments in Schedules 1 to 3 are drafted to take account of legislation not yet in force. This principally arises where the provision that is being amended is itself due to be amended by another Act, such as the Levelling-up and Regeneration Act 2023 (c. 55) or the Planning and Infrastructure Act 2025 (c. 34). In some cases, different amendments to a provision will be required as a consequence of the principal Act depending on whether an amendment made to that provision by another Act has been brought into force. Where that is the case, Schedules 1 to 3 contain alternative amendments for each scenario. When the provisions in these Schedules are brought into force, only the amendment that is required at that time will take effect.

Schedule 1 – Amendments to the Town and Country Planning Act 1990

7. Following the coming into force of the principal Act, the 1990 Act will no longer apply in relation to Wales. Schedule 1 accordingly repeals the provisions applying only in Wales and that will generally be replaced by corresponding provisions in the principal Act. In addition, this Schedule amends provisions in the 1990 Act that currently apply in relation to both Wales and England, to ensure that those provisions (as well as the England-only provisions in that Act) continue to operate correctly in relation to England.

Schedule 2 – Amendments to other Acts of the United Kingdom Parliament

8. Schedule 2 to this Act contains amendments to Acts of the UK Parliament other than the 1990 Act that are necessary as a result of the principal Act.

9. There are a number of other pieces of UK legislation containing provisions about planning in Wales that are being replaced by provisions in the principal Act. Some of those provisions apply only in Wales and are repealed by Schedule 2 to this Act. For example, Part 6 of the Planning and Compulsory Purchase Act 2004 (c.5) ("the 2004 Act"), dealing with development plans in Wales, is replaced by Part 2 of the principal Act and repealed by Schedule 2 to this Act. There are other provisions about planning that currently apply in both England and Wales, which will continue to apply in England. For example, Part 11 of the Planning Act 2008 (c. 29) ("the 2008 Act"), relating to the Community Infrastructure Levy, is being replaced by Chapter 2 of Part 6 of the principal Act. Schedule 2 to this Act amends Part 11 to ensure that it no longer applies in Wales and that it continues to operate correctly in England.

10. There are many references in other pieces of UK legislation to the 1990 Act, and to the planning provisions in the Planning and Compensation Act 1991 (c. 34), the Environment Act 1995 (c. 25), the 2004 Act and the 2008 Act. Schedule 2 to this Act makes the necessary amendments to ensure that those references will in future refer to the appropriate provisions in the principal Act in relation to Wales and still operate correctly in relation to England.

11. Some of the amendments in this Schedule ensure that other legislation reflects changes of approach or terminology in the principal Act, such as the decision to refer throughout that Act to the "planning authority" in place of the terms "local planning authority", "minerals planning authority" and "hazardous substances authority" used in planning legislation until now. The use of the term "planning authority" reflects that Wales has for some years had a unitary system of local government and is in accordance with recommendation 5-13 by the Law Commission in its report *Planning Law in Wales*.

12. Schedule 2 makes a number of other amendments to correct mistakes in earlier legislation, remove duplication or repeal provisions that are no longer required. Those amendments are explained in the Drafters' Notes for the Act (the document headed "Explanation of changes made to existing provisions within the Planning (Consequential Provisions) (Wales) Act 2026").

Schedule 3 – Amendments to Assembly Measures and Acts of Senedd Cymru

13. Schedule 3 to the Consequential Provisions Act contains amendments to various Measures of the National Assembly for Wales and Acts of Senedd Cymru that are necessary as a result of the enactment of the principal Act.

14. In particular, the Planning (Wales) Act 2015 (anaw 4) made a number of amendments to various provisions throughout the 1990 Act and Part 6 of the 2004 Act. Those provisions, in their amended form, are generally replaced by corresponding provisions in the principal Act. The 2015 Act is accordingly largely repealed by Schedule 3 to this Act. However, some provisions in that Act will remain in force, as they amend other enactments (for example, the Commons Act 2006 (c. 26)).

15. Schedule 3 also contains a number of amendments to correct mistakes in the Historic Environment (Wales) Act 2023 or make it consistent with the principal Act. Those amendments are explained in the Drafters' Notes for this Act.

Schedule 4 – Amendments to other legislation

16. Schedule 4 contains amendments to:

    a. three Orders in Council, made under the Government of Wales Acts 1998 and 2006, that devolved planning functions in relation to Wales; and

    b. three Church of England Measures that continue to apply to the small number of Church of England parishes that are wholly or partly in Wales.

Section 3 – Transitional and saving provisions
Schedule 5 – Transitional and saving provisions

17. Section 3 introduces Schedule 5 that contains the transitional and savings provisions necessary to ensure that the law continues to operate smoothly as the principal Act is brought into force, and that the operation of the planning system is uninterrupted in both Wales and England.

Section 4 – Power to make further provision in connection with the principal Act

18. In addition to the provisions included in Schedules 1 to 4 to this Act, the Welsh Ministers may enact further provisions that are incidental or supplementary to, or consequential on the principal Act or this Act. They may also enact further transitional or saving provisions in addition to those in Schedule 5.

19. Such further provisions will be in regulations made by Welsh statutory instrument. Those regulations may amend any enactment; but if they amend, repeal or revoke any provision contained in a piece of primary legislation, the regulations are subject to the Senedd approval procedure (subsections (2) and (3)). Otherwise, they are subject to the Senedd annulment procedure (subsection (4)).

Section 5 – Coming into force

20. With the exception of a small number of amendments that come into force the day after Royal Assent, sections 2 and 3 and Schedules 1 to 5 will come into effect on the date appointed by one or more orders made by the Welsh Ministers.

Section 6 – Short title

21. Section 6 sets out the short title of the Act, by which it may be known and referred. Either the Welsh or the English language title of the Act may be used, including as a citation in other enactments.

RECORD OF PROCEEDINGS IN THE SENEDD

22. The following table sets out the dates for each stage of the Act's passage through the Senedd. The Record of Proceedings and further information on the passage of this Bill can be found on Senedd Cymru's website at: **Planning (Consequential Provisions) (Wales) Bill**.

Stage	*Date*
Introduced	15 September 2025
Initial Consideration – Debate	16 December 2025
Detailed Committee consideration	19 January 2026
Final Stage	10 March 2026
Royal Assent	27 April 2026