

The Planning (Wales) Act 2015

Application of Well-being for Future Generations (Wales) Act 2015

Section 2 of the Planning (Wales) Act 2015 applies to a local planning authority in Wales which is exercising its function under Part 6 of the Planning and Compulsory Purchase Act 2004 in relation to a Local Development Plan (LDP). Specifically, section 2(2) of the Planning (Wales) Act 2015 states that the function must be exercised as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015.

The Well-being Future Generations (Wales) Act 2015 contains provisions regarding a definition of sustainable development (section 2).

The Well-being of Future Generations (Wales) Act 2015 (Commencement No. 2) Order 2016 brought into force various sections of the Well-being of Future Generations (Wales) Act 2015 at various dates. Section 3 of the Commencement Order states:

“1 April 2016 is the appointed day for the coming into force of the following provisions of the Act –

Sections 2, 3, 4, 5, 7, 8, 9,”

The effect of Commencement Order No. 2 is that Sections 2, 3, 4, 5, 7, 8, 9, ... are applicable from the 1 April 2016 onwards.

The implication of this is that all LDPs being prepared and still subject to either adoption or approval, should take into account the above provisions set out in the Well-being of Future Generations (Wales) Act 2015. This would include the definition of sustainable development and the well-being goals.

However, the Planning (Wales) Act 2015 (Commencement No. 2 and Transitional and Saving Provisions) Order 2015, specifically section 6, states:

“Sections 2 and 11(3) of the 2015 Act (Planning (Wales) Act 2015) do not apply to a local development plan that has been submitted for examination in accordance with Part 6 of the 2004 Act when the sections come into force. The sections apply to such a plan after it is adopted or approved in accordance with Part 6 of the 2004 Act.”

The implication of these transitional and saving provisions is that section 2 of the Planning (Wales) Act 2015 does not apply to those LDPs submitted for examination at the time when section 2 of the Act came into force, i.e. 1 April 2016. Those LDPs would therefore not be subject to the carrying out of sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015. Therefore, it follows that achieving the well being goals cannot apply to LDPs submitted for examination before 1 April

2016 because the goals are intrinsically linked with the carrying out of sustainable development under section 2 of the WFG Act. All other subsections under section 2 of the Planning (Wales) Act 2015 are not applicable either.

This position applies to the following LDPs which have been submitted for examination:

Gwynedd & Anglesey Joint Local Development Plan

Powys LDP

Vale of Glamorgan LDP

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