



Llywodraeth Cymru
Welsh Government

GUIDANCE

Change to planning policy and guidance on use of compulsory purchase powers

Letter to local planning authorities announcing changes to
Planning Policy Wales and associated guidance.

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Ein cyf/Our ref – Compulsory Purchase

13 October 2020

Heads of Planning,
Local Planning Authorities
(Local Authority Regeneration Leads, Planning Inspectorate (PINS) Wales /
Compulsory Purchase Association (CPA))

Dear Colleague,

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The Welsh Government has put placemaking at the heart of the planning system in Wales and it is central to how the planning system can take action and support recovery from the Covid-19 pandemic.

The Welsh Government believes compulsory purchase powers are an important placemaking in action tool which can help support local authorities and communities recover from the Covid-19 crisis.

In the immediate post-Covid-19 phase there are particular areas of policy which are the focus of action to act as a catalyst for a recovery across the pillars of sustainable development. **Building Better Places: The Planning System Delivering Resilient and Brighter Futures – Placemaking and the Covid-19 Recovery (July 2020)** identifies 8 key issues which bring together individual policy areas to ensure action is most effective. Of the 8 key issues for policy action, the following 3 issues have been identified where the use of compulsory purchase powers can provide a useful policy implementation tool^[1]:

1. Staying local: creating neighbourhoods;
2. Revitalising our town centres;
3. Active travel: exercise and rediscovered transport methods.

To support local authorities recover from the impacts of Covid-19 and respond to the identified key issues for policy action, local authorities are encouraged to pro-actively consider the use of their compulsory purchase powers wherever appropriate to ensure real gains are brought to communities without delay.

Alongside supporting recovery from Covid-19, a priority of the Welsh Government is to increase the supply of housing as well as bring vacant and empty properties back into use. The Welsh Government believes the use of compulsory purchase powers by local authorities and other public bodies can help assemble the land needed to deliver these policy objectives along with wider environmental, social and economic change.

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Used properly, compulsory purchase powers can contribute towards effective and efficient regeneration, the revitalisation of communities, placemaking, and the promotion of business, leading to improvements in quality of life.

To improve confidence and understanding amongst stakeholders of the compulsory purchase process in Wales last year I consulted on a revised national planning policy on the use of **compulsory purchase powers and updated Circular guidance**:

The consultation also included a ‘call for evidence’ which sought views on:

- case studies of the successful use of compulsory purchase powers to deliver housing-led regeneration schemes; and
- where changes could be potentially made to the compulsory purchase system to improve the delivery of housing-led compulsory acquisition schemes.

I have now had the opportunity to consider the responses to the consultation in detail. For information, I attach a link to the **Summary of Consultation Responses Report**:

After consideration of the responses to the consultation I am announcing the following policy changes:

Planning Policy Wales (PPW)

Revisions to paragraph 3.53 of PPW under the ‘Strategic Placemaking’ section attached at Appendix 1. The changes to national planning policy strengthen support for the use of compulsory purchase powers by local planning authorities to help facilitate the development, redevelopment and improvement of land and buildings where there is a compelling case in the public interest.

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Updated Circular guidance

Publication of Circular 003/2019: Compulsory Purchase in Wales and 'The Cricheol Down Rules (Wales Version, 2020)' which cancels National Assembly for Wales Circular (NAFWC) 14/2004: Revised Circular on Compulsory Purchase Orders. This ensures accurate, up-to-date Welsh Government guidance on compulsory purchase legislation and practice is in place. Circular 003/2019 can be accessed here: [Planning policy and guidance: compulsory purchase](#).

The Summary of Consultation Responses Report details the suggestions put forward through the 'call for evidence' for further reforms to the compulsory purchase process. The 'call for evidence' highlighted there is capacity for further reforms to the compulsory purchase process as it remains, in part, convoluted and complex which can act as a barrier to the use of compulsory purchase powers.

I am committed to removing barriers to the use of compulsory purchase powers and improving the compulsory purchase process to make it fairer, more efficient and intelligible. This is essential to supporting local authorities and communities recover from the impacts of Covid-19 and respond to the identified key issues for policy action.

As such, I am publishing a further consultation on proposals to streamline and modernise the compulsory purchase process in Wales:

Consultation on reforms to compulsory Purchase power and procedures

The consultation seeks views on reforms to:

1. modernise statutory compulsory purchase powers and procedures underpinned by primary legislation, and

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2. implement technical process improvements to streamline the compulsory purchase public inquiries and written representations procedures.

The consultation will run until 19 January 2021.

I would like to confirm the changes to PPW and the Circular guidance come into force today (see date of letter). NAFWC 14/2004: Revised Circular on Compulsory Purchase Orders is cancelled with immediate effect. The changes to PPW will subsequently be included in the next edition which is programmed for publication in spring next year.

Yours sincerely,

Julie James AS/MS

Y Gweinidog Tai a Llywodraeth Leol

Minister for Housing and Local Government

[1] Part 2 of Welsh Government *Circular 003/2019: Compulsory Purchase in Wales and 'The Cricheol Down Rules (Wales Version, 2019)*' provides guidance on use of compulsory purchase powers to address these key issues for policy action.

Appendix 1: Planning Policy Wales – revisions to policy on use of compulsory purchase powers

The following text has been amended.

Use of Compulsory Purchase Powers

3.53 Planning authorities are encouraged to take appropriate steps to unlock

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the development potential of sites. In some instances, planning authorities may need to purchase land to facilitate development, redevelopment or improvements. Wherever possible, this should be with the agreement of the landowner. Where such agreements cannot be reached, planning authorities should consider using the full range of powers available to them. This should include, where necessary, use of compulsory purchase powers to bring land and/or buildings forward for meeting development needs in their area and/or to secure better development outcomes where a compelling case in the public interest can be demonstrated which outweighs the loss of private interests.

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