

Notification Direction Guidance

THE TOWN AND COUNTRY PLANNING (COAL AND PETROLEUM DEVELOPMENT)
(NOTIFICATION) (WALES) DIRECTION 2026

Audience

Chief Planning Officers of Local Planning Authorities; Businesses; Government Agencies; Other Public Sector Groups; Professional Bodies and Interest Groups; Voluntary Groups and the general public.

Overview

This guidance and direction set out updated requirements for local planning authorities to refer certain planning applications to the Welsh Ministers, to enable them to decide whether they wish to call in the application for their determination.

Action required

For local planning authorities to be aware that from 7 April 2026:

The direction requires where a local planning authority does not propose to refuse an application for coal and petroleum development, the authority must notify the Welsh Ministers.

Further Information

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Additional copies

This guidance is available from the Welsh Government website

Contents

Introduction

Context for the updated Direction

Commencement and Extent

The Direction

Purpose and Scope

Submission of Information to the Welsh Ministers

Restriction on the Grant of Planning Permission

Monitoring and Review

**Annex 1 - THE TOWN AND COUNTRY PLANNING (COAL AND PETROLEUM DEVELOPMENT)
(NOTIFICATION) (WALES) DIRECTION 2026**

THE TOWN AND COUNTRY PLANNING (COAL AND PETROLEUM DEVELOPMENT) (NOTIFICATION) (WALES) DIRECTION 2026

INTRODUCTION

1. Section 77 of the Town and Country Planning Act 1990 (“the 1990 Act”) allows the Welsh Ministers to give directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order, to be referred to them instead of being determined by local planning authorities.

2. Article 18(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801) (“the DMPO”) provides that the Welsh Ministers may give directions restricting the grant of planning permission by a local planning authority, either indefinitely or during such period specified in the directions, in respect of any development or in respect of any class so specified. In accordance with article 18(3) of the DMPO, a local planning authority must deal with applications for planning permission for development to which such a direction applies in such manner as to give effect to the direction.

3. Article 22(5) of the DMPO provides that a local planning authority must provide such information about applications made under article 4 and 5 of that Order (applications for approval of reserved matter and applications for planning permission respectively), including information as to the manner in which any such application has been dealt with, as the Welsh Ministers may by direction require. Any such direction may include provision as to the persons to be informed and the manner in relation to which the information is to be provided.

4. THE TOWN AND COUNTRY PLANNING (COAL AND PETROLEUM DEVELOPMENT) (NOTIFICATION) (WALES) DIRECTION 2026 is set out at Annex 1.

5. The notification direction requires that where a local planning authority does not propose to refuse an application for an application for the development of petroleum or the development of coal, it must notify the Welsh Ministers. The notification direction updates the definition of “coal and petroleum development” to explicitly confirm that coal, extracted from mineral-working deposits, including disused tips is included within the scope of the direction.

Where a local planning authority is required to give such notification to the Welsh Ministers, the authority must not grant planning permission on the application until the expiry of the period of 21 days beginning with the date which the Welsh Ministers tell the authority in writing is the date upon which they received information specified in the Direction. However, the local planning authority may proceed to determine the application if before the expiry of that 21 day period, the Welsh Ministers notify the authority that the Welsh Ministers do not intend to call-in the application in question

under section 77 of the 1990 Act in respect of that application, or if the Welsh Ministers do not consider the development to be for the development of petroleum or the development of coal.

6. This guidance is intended to ensure that the Welsh Ministers are notified only where necessary and all decisions are taken at the appropriate level.

CONTEXT FOR UPDATED DIRECTION

7. In order to support Planning Policy Wales (PPW) 12 and the Welsh Government's Coal Policy Statement, the definition of coal development set out in paragraph 2(a)(ii) of **THE TOWN AND COUNTRY PLANNING (NOTIFICATION) (COAL AND PETROLEUM) (WALES) DIRECTION 2018** be revised to explicitly include the removal of coal from mineral-working deposits (which includes disused tips). The proposed amendment will clarify, but not materially change, the definition of coal development in the 2018 Direction.

8. This will provide Welsh Ministers an opportunity to consider whether appropriate scrutiny has been given to environmental and public health concerns, as these may raise issues of more than local importance. The Welsh Ministers may choose to call in the planning application, or if appropriate issue a direction that the application may not be approved until such time as directed by the Welsh Ministers.

COMMENCEMENT AND EXTENT

9. With effect from 7 April 2026, the guidance contained in this circular and the direction at Annex 1 will require local planning authorities who receive planning applications for the development of petroleum or the development of coal, to notify the Welsh Ministers

10. The Notification Direction covers Petroleum as defined in the Petroleum Act 1998. The definition of petroleum includes any mineral oil or relative hydrocarbon and natural gas existing in its natural strata. This therefore includes shale oil and gas and coal bed methane. The definition of coal is taken from the Coal Industry Act 1994. This covers coal and also underground coal gasification.

11. This guidance and the Direction at Annex 1, apply only in relation to Wales.

THE DIRECTION

12. The Direction does not affect the power of the Welsh Ministers under section 77 of the 1990 Act, to direct that any particular planning application should be called in for

their own determination, irrespective of whether it falls within the terms of the new direction, having regard to their policy on call in.

PURPOSE AND SCOPE

13. The Direction clarifies the arrangements and criteria for notifying the Welsh Ministers in relation to planning applications where a local planning authority does not propose to refuse an application for the development of petroleum or the development of coal. In these instances, the local planning authority must notify the Welsh Ministers.

14. The purpose of the Direction is to give the Welsh Ministers an opportunity to consider whether to exercise their call in powers under section 77 of the 1990 Act.

NOTIFICATION REQUIREMENTS

15. Paragraph 4 of the Direction introduces a notification requirement for local planning authorities to refer applications for petroleum or coal development to the Welsh Ministers where the authority does not propose to refuse such an application. Such information may be sent to Welsh Ministers electronically, or in hard copy. The notification requirement is inclusive of the provision of the information specified in paragraph 5 of the Direction.

RESTRICTION ON THE GRANT OF PLANNING PERMISSION

16. Where the local planning authority is required to notify the Welsh Ministers, paragraph 6 of the Direction places a restriction on the grant of planning permission for a period of 21 days, that period beginning with the date the local planning authority is notified in writing by Welsh Ministers as being the date that the information specified in paragraph 5 of the Direction was, received.

17. However, paragraph 7 of the Direction permits the local planning authority to proceed to determine the application before the expiry of the 21 day period in circumstances where the authority have received notification in writing that the Welsh Ministers do not intend to call in, or do not consider the development to be petroleum or coal development.

MONITORING AND REVIEW

18. The Welsh Government will closely monitor the number of applications that are referred to the Welsh Ministers resulting from this notification requirement, and the numbers of applications that are consequently called in. Its effect will be reviewed when the new Direction has been operating for an appropriate period of time.

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Local Government and Housing

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TOWN AND COUNTRY PLANNING

**The Town and Country Planning (Coal and Petroleum Development)
(Notification) (Wales) Direction 2026**

The Welsh Ministers, in exercise of the powers conferred on them by articles 18(1), 22(5) and 31 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(1), give the following Direction.

Title and coming into force

1. The title of this Direction is the Town and Country Planning (Coal and Petroleum Development) (Notification) (Wales) Direction 2026 and it comes into force on 7 April 2026.

Interpretation

2. In this Direction—

“coal” (“*glo*”) and “coal mine” (“*glofa*”) have the meanings given in section 65(1) of the Coal Industry Act 1994(2);

“coal and petroleum development” (“*datblygiad glo a phetrolewm*”) means development involving—

(a) in relation to coal—

(i) searching for coal and boring for it,

(1) S.I. 2012/801 (W. 110).

(2) 1994 c. 21.

(ii) winning, working and getting it (whether underground, in the course of open-cast mining operations, or from mineral-working deposits including disused tips),
(iii) bringing underground coal to the surface, treating coal and rendering it saleable,
(iv) treating coal in the strata for the purpose of winning any product of coal and winning, working or getting any product of coal resulting from such treatment, or
(v) depositing spoil from any activities carried on in the course of any of the above operations and draining coal mines;

(b) in relation to petroleum, searching and boring for and getting petroleum;

“disused tip” (“*tomen nas defnyddir*”) has the meaning given in section 86(3) of the Disused Mine and Quarry Tips (Wales) Act 2025(3);

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000(4);

“minerals” (“*mwynau*”) includes all substances of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale;

“mineral-working deposits” (“*dyddodion gweithio mwynau*”) means any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals on land, whether by underground or surface working;

“petroleum” (“*petrolewm*”) has the meaning given in section 1 of the Petroleum Act 1998(5).

Application

3. This Direction applies to any application for planning permission made to a local planning authority—

- (a) relating to land in Wales,
- (b) made on or after 7 April 2026,
- (c) for development which is coal and petroleum development, and
- (d) which the local planning authority does not propose to refuse.

(3) 2025 asc 4.

(4) 2000 c. 7. Section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

(5) 1998 c. 17.

Notification to the Welsh Ministers

4. Where a local planning authority does not propose to refuse an application for coal and petroleum development, the authority must notify the Welsh Ministers.

5. Where a local planning authority is required to notify the Welsh Ministers, they must, as soon as practicable, send to the Welsh Ministers, by means of electronic communication or otherwise, a copy of—

- (a) the application (including copies of any accompanying plans and drawings and any appropriate flood risk, transport, noise or other assessment) and supporting information,
- (b) the requisite notice,
- (c) any representations made to the authority in respect of the application including any views expressed by a government department (which includes the Welsh Ministers), another local planning authority or other consultee,
- (d) any report on the application prepared by an officer of the authority,
- (e) any screening opinion issued under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017⁽⁶⁾, and
- (f) any appropriate assessments carried out under the Conservation of Habitats and Species Regulations 2017⁽⁷⁾.

Relevant period before a local planning authority may grant planning permission

6. Subject to paragraph 7, where a local planning authority is required to notify the Welsh Ministers, the authority must not grant planning permission on the application until the expiry of the period of 21 days beginning with the date which the Welsh Ministers inform the authority in writing is the date upon which they received the information specified in paragraph 5.

7. The local planning authority may proceed to determine the application if, before the expiry of the period referred to in paragraph 6, the Welsh Ministers notify the authority that—

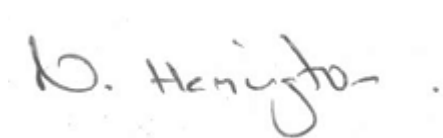
(6) S.I. 2017/567 (W. 136), to which there are amendments.

(7) S.I. 2017/1012, to which there are amendments.

- (a) the Welsh Ministers do not intend to issue a direction under section 77 of the Town and Country Planning Act 1990(8) in respect of that application, or
- (b) the Welsh Ministers do not consider the development to be coal and petroleum development.

Cancellation

8. The Town and Country Planning (Notification) (Coal and Petroleum) (Wales) Direction 2018 is cancelled save that it will continue to apply in relation to any application for planning permission relating to land in Wales made before 7 April 2026.



Signed by Neil Hemington, Head of Planning Directorate, under authority of the Cabinet Secretary for Economy, Energy and Planning, one of the Welsh Ministers
Date 2 April 2026