



# Planning (Wales) Act 2015

2015 anaw 4

## PART 5

### APPLICATIONS TO WELSH MINISTERS

#### *Option to make application to Welsh Ministers*

#### **23 Option to make application to Welsh Ministers**

In TCPA 1990, after section 62L (as inserted by section 22) insert—

*“Wales: option to make application to Welsh Ministers*

#### **62M Option to make application directly to Welsh Ministers**

- (1) If the following conditions are met, a qualifying application that would otherwise have to be made to the local planning authority may (if the applicant so chooses) instead be made to the Welsh Ministers.
- (2) The first condition is that the local planning authority is designated by the Welsh Ministers for the purposes of this section.
- (3) The second condition is that—
  - (a) the development to which the application relates, in the case of a qualifying application within subsection (4)(a), or
  - (b) the development for which the outline planning permission has been granted, in the case of a qualifying application within subsection (4)(b), is development of a description prescribed by regulations made by the Welsh Ministers.
- (4) A qualifying application, for the purposes of this section, is—

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*Status: This is the original version (as it was originally enacted).*

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- (a) an application for planning permission for the development of land in Wales, provided that the development to which it relates is not development of national significance for the purposes of section 62D;
  - (b) an application for approval of a matter that, for the purposes of section 92, is a reserved matter in the case of an outline planning permission for the development of land in Wales.
- (5) But an application within subsection (6) that would otherwise be a qualifying application for the purposes of this section is not to be treated as such unless it is an application of a description prescribed in regulations made by the Welsh Ministers.
- (6) An application is within this subsection if it is an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

#### **62N Designation for the purposes of section 62M**

- (1) In deciding whether to designate a local planning authority for the purposes of section 62M, or whether to revoke a designation, the Welsh Ministers must apply only criteria that satisfy the following conditions.
- (2) The first condition is that the Welsh Ministers have consulted each local planning authority in Wales about the criteria.
- (3) The second condition is that the criteria are set out in a document that the Welsh Ministers have laid before the National Assembly for Wales.
- (4) The third condition is that the 21-day period has ended without the National Assembly having during that period resolved not to approve the document.
- (5) The fourth condition is that the Welsh Ministers have published the document (whether before, during or after the 21-day period) in whatever way they think fit.
- (6) In this section, “the 21-day period” means the period of 21 days beginning with the day on which the document is laid before the National Assembly for Wales under subsection (3), disregarding any time when the National Assembly is dissolved or is in recess for more than four days.
- (7) The power to designate a local planning authority for the purposes of section 62M, or to revoke a designation, is exercisable by notice in writing to the authority.
- (8) The Welsh Ministers must publish (in whatever way they think fit) a copy of any notice given to an authority under subsection (7).
- (9) An urban development corporation may not be designated for the purposes of section 62M.

#### **62O Option to make application to Welsh Ministers: connected applications**

- (1) This section applies where an application (the “principal application”) is made to the Welsh Ministers under section 62M.

- (2) A connected application that would otherwise have to be made to the local planning authority or hazardous substances authority may (if the applicant so chooses) instead be made to the Welsh Ministers, provided that it is made on the same day as the principal application.
- (3) A connected application, for this purpose, is an application under the planning Acts that—
  - (a) relates to land in Wales,
  - (b) is an application of a description prescribed by regulations made by the Welsh Ministers, and
  - (c) is considered by the person making it to be connected to the principal application.
- (4) Subsection (5) applies if an application is made to the Welsh Ministers under this section, on the basis that it is a connected application, instead of to a local planning authority or hazardous substances authority, but the Welsh Ministers consider—
  - (a) that the application is not connected to the principal application, or
  - (b) that, although the application is connected to the principal application, the decision on the application should not be made by the Welsh Ministers.
- (5) The Welsh Ministers must refer the application to the local planning authority or hazardous substances authority.
- (6) An application referred to an authority under subsection (5)—
  - (a) is to be treated as from the date of its referral as being an application made to the authority concerned (instead of an application made to the Welsh Ministers), and
  - (b) is to be determined by the authority accordingly.
- (7) A development order may make provision about the referral of applications under subsection (5) (including provision about what constitutes the referral of an application for the purposes of subsection (6)).”