
WELSH STATUTORY INSTRUMENTS

2016 No. 59

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016

Amendments relating to section 73 applications

10.—(1) In article 5(1)(c) for “where the application is made pursuant to section 73 (determination of applications to develop land without compliance with conditions previously attached) or” substitute “in the case of a section 73 application or where the application is made pursuant to”.

(2) In article 12—

(a) in paragraph (4) for “which is not a paragraph (2) application” substitute “which is neither a paragraph (2) application nor an application falling within paragraph (4A)”;

(b) after paragraph (4) insert—

“(4A) In the case of a section 73 application which does not fall within subparagraph (2)

(a) or (c), the application must be publicised by giving requisite notice—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; and

(b) in such other manner as the local planning authority consider appropriate.”

(c) in paragraph (5) for “nor paragraph (4)” substitute “, paragraph (4) nor paragraph (4A)”.

(d) in paragraph (6) after “(4)(a)(i)” insert “, (4A)”.

(3) In article 14(1) after paragraph (b) and before the full stop insert—

“, or

(c) article 15ZA applies”.

(4) After article 15 insert—

“Consultations before the grant of section 73 applications

15ZA.—(1) This article applies in relation to a section 73 application other than a section 73 application which is an EIA application.

(2) Before granting planning permission on an application in relation to which this article applies, the local planning authority may consult authorities or persons falling within a category set out in the Table in Schedule 4.

(3) Where, by or under this article, a local planning authority consult any authority or person (“the consultee”) before granting planning permission—

(a) they must, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and

(b) they must not determine the application until at least 21 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 21 days after the date of service of a copy of the application on the consultee by the applicant.

- (4) The local planning authority must in determining the application take into account any representations received from a consultee.”
- (5) In article 15A —
- (a) in paragraph (1) after “article 14” insert “and article 15ZA”;
 - (b) in paragraph (2)(a) after “article 14(4)(a)” insert “or article 15ZA(3)(a)”.
- (6) for article 21(1)(b) substitute—
- “(b) served on or given to—
- (i) an owner of the land or a tenant under article 10; or
 - (ii) an adjoining owner or occupier under article 12,
- within 21 days beginning with the date when the notice was served on or given to that person, provided that the representations are made by any person who they are satisfied is such an owner, tenant or occupier; or”
- (7) for article 22(6)(b) substitute—
- “(b) served on or given to—
- (i) an owner of the land or a tenant under article 10, or
 - (ii) an adjoining owner or occupier under article 12,
- before the end of the period of 21 days beginning with the date when the notice was served on or given to that person; or”
- (8) In Schedule 3 after “12(4)” insert “, 12(4A)”.