
WELSH STATUTORY INSTRUMENTS

2016 No. 59 (W. 29)

TOWN AND COUNTRY PLANNING, WALES

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

<i>Made</i>	- - - -	<i>27 January 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>1 February 2016</i>
<i>Coming into force</i>	- -	<i>16 March 2016</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 61Z, 62ZA, 62ZB, 71ZA, 71ZB, 100A and 333(4B) of the Town and Country Planning Act 1990⁽¹⁾, and in exercise of the powers conferred on the Secretary of State by sections 61A, 62, 65, 71 and 74 of that Act⁽²⁾ now exercisable by them⁽³⁾, and in exercise of the powers conferred on the National Assembly for Wales by section 54 of the Planning and Compulsory Purchase Act 2004⁽⁴⁾ also now exercisable by them⁽⁵⁾, make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

(2) It comes into force on 16 March 2016.

(3) This Order applies to all land in Wales.

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- (1) 1990 c. 8. Section 61Z was inserted by section 17 of the [Planning \(Wales\) Act 2015 \(anaw 4\)](#). Sections 62ZA and 62ZB were inserted by section 29 of that Act. Section 71ZA was inserted by section 33 of that Act. Section 71ZB was inserted by section 34 of that Act. Section 100A was inserted by section 37 of that Act. Section 333(4B) was substituted by section 55 of, and paragraph 6(3) of Schedule 7 to, that Act.
- (2) Section 61A was inserted by section 41(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”) and was amended by sections 188, 238 of, and Schedule 13 to, the Planning Act 2008 (c.29). Section 62 was substituted by section 42 of the 2004 Act and amended by section 17 of the Planning (Wales) Act 2015. Section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).
- (3) The functions of the Secretary of State so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). See also section 118(3) of the 2004 Act.
- (4) 2004 c. 5.
- (5) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006.

Amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012(6) is amended in accordance with the following provisions.

Amendments relating to interpretation

3. In article 2(1) at the appropriate places insert—

““the 2015 Act” (“*Deddf 2015*”) means the Planning (Wales) Act 2015(7)

““community consultee” (“*ymgynghorai cymunedol*”) means—

- (a) each county or county borough councillor representing an electoral ward in which the land to which the proposed application relates is situated; and
- (b) each community council in whose area the land to which the proposed application relates is situated;”

““electoral ward” (“*ward etholiadol*”) means any area for which a councillor is elected to a county council or a country borough council in Wales;”

““section 73 application” (“*cais adran 73*”) means an application for planning permission under section 73 of the 1990 Act for the development of land without complying with conditions subject to which a previous planning permission was granted”;

““specialist consultee” (“*ymgynghorai arbenigol*”) means, where the development to which a proposed application for planning permission relates falls within a category set out in the Table in Schedule 4, the authority, person or body mentioned in relation to that category;”.

Amendments relating to pre-application consultation

4.—(1) After Part 1 insert—

“PART 1A

Pre-application consultation

Requirement to carry out pre-application consultation

2B.—(1) Major development is specified for the purposes of section 61Z(1) of the 1990 Act (Wales: requirement to carry out pre-application consultation).

(2) Proposed section 73 applications and applications to be made under section 73A of the 1990 Act (Planning permission for development already carried out)(**8**) are specified for the purposes of section 61Z(7)(b) of the 1990 Act.

Publicity before applying for planning permission

2C.—(1) The applicant(**9**) must publicise the proposed application by—

- (a) giving requisite notice—

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

(7) 2015 anaw 4.

(8) Section 73A was added by section 32 of, and paragraph 16(1) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(9) See section 61Z(1)(a) of the 1990 Act for the definition of “applicant”.

- (i) by site display in at least one place on or near the land to which the proposed application relates for not less than 28 days; and
 - (ii) in writing to any owner or occupier of any land adjoining the land to which the proposed application relates; and
- (b) making the following information available for inspection at a location in the vicinity of the proposed development for not less than 28 days beginning with each day on which each of the notices referred to in sub-paragraph (a) or article 2D(2) are given—
- (i) any documents and particulars or evidence that would be required for a subsequent application, in the same or substantially the same form, to be a valid application except certificates in relation to notices of applications for planning permission required by article 11;
 - (ii) a plan which identifies the land to which the proposed application relates;
 - (iii) any other plans, drawings and information necessary to describe the development which is the subject of the proposed application;
 - (iv) in a case to which article 7 applies, the design and access statement; and
 - (v) subject to article 8(2), the particulars or evidence required by the local planning authority under section 62(3) of the 1990 Act⁽¹⁰⁾.
- (2) Any plans or drawings required to be provided by paragraph (1)(b)(ii) or (iii) must be drawn to an identified scale and, in the case of plans, must show the direction of north.
- (3) The applicant must have complied with paragraph (1) before an application is submitted.
- (4) Where the notice referred to in paragraph (1)(a)(i) is, without any fault or intention of the applicant, removed obscured or defaced before the period of 28 days has elapsed, the applicant will be treated as having complied with the requirements of the relevant paragraph if the applicant has taken reasonable steps to protect the notice and, if need be, replace it.
- (5) In this article “requisite notice” (“*hysbysiad gofynnol*”) means notice in the form set out in Schedule 1B or in a form substantially to the like effect.

Consultation before applying for planning permission

2D.—(1) The following persons or descriptions of persons are specified for the purposes of section 61Z(4) of the 1990 Act—

- (a) any community consultees; and
- (b) any specialist consultee.

(2) Where an applicant is required to consult a community consultee, the applicant must give the community consultee requisite notice in writing of the proposed application.

(3) Where an applicant is required to consult a specialist consultees the applicant must give the specialist consultee requisite notice in writing of the proposed application and enclose each of the documents referred to in article 2C(1)(b) or provide a link to a website on which those documents can be found.

(4) The applicant must have complied with paragraphs (2) and (3) and have given the specialist consultee time to respond in accordance with article 2E(1) before an application is submitted.

(5) In this article, “requisite notice” (“*hysbysiad gofynnol*”) means—

- (a) in relation to a community consultee notice in the form set out in Schedule 1B; and

⁽¹⁰⁾ Section 62 was substituted by section 42(1) of the 2004 Act and amended by section 17 of the Planning (Wales) Act 2015. Other amendments are not relevant to this Order.

(b) in relation to a specialist consultee notice in the form set out in Schedule 1C, or a form substantially to the like effect.

Duty to respond to pre-application consultation: specialist consultees

2E.—(1) A specialist consultee, consulted in accordance with the provisions of section 61Z(4) of the 1990 Act, must provide a substantive response within 28 days beginning with the day on which the notice referred to in article 2D(3) is given or such other period as may be agreed in writing between the specialist consultee and the applicant.

(2) For the purposes of this article, a substantive response is one which—

- (a) states that the specialist consultee has no comment to make;
- (b) states that the specialist consultee has no objection to the proposed development and refers the applicant to current standing advice by the specialist consultee on the subject of the consultation;
- (c) advises the applicant of any concerns identified in relation to the proposed development and how those concerns can be addressed; or
- (d) advises the applicant that the specialist consultee has concerns and that it would object to an application for planning permission made in the same or substantially the same terms and sets out the reasons for those objections.

Pre-application consultation reports

2F.—(1) Where an applicant has been required to carry out pre-application consultation in accordance with the provisions of section 61Z of the 1990 Act and articles 2C and 2D and submits an application for planning permission, that application must be accompanied by a pre-application consultation report which gives particulars of—

- (a) how the applicant complied with section 61Z of the 1990 Act;
- (b) any response to the consultation received from any person consulted under section 61Z(3) or (4) of the 1990 Act; and
- (c) the account taken of those responses.

(2) The pre-application consultation report must include—

- (a) a copy of the notice referred to in article 2C(1)(a)(i);
- (b) a declaration that the notice referred to in article 2C(1)(a)(i) was displayed in accordance with the requirements of that article;
- (c) a list of the addresses of persons who were given notice of the proposed application in accordance with article 2C(1)(a)(ii) and a copy of the notice given to such persons;
- (d) copies of all notices given to community consultees and specialist consultees in accordance with articles 2D(2) and 2D(3);
- (e) a summary of all issues raised by any person notified of the proposed application in accordance with section 61Z(3) of the 1990 Act and articles 2C and 2D(2), including confirmation of whether the issues raised have been addressed, and, if so, how; and
- (f) copies of all responses received from specialist consultees with an explanation of the account taken of each response.”

(2) In article 8 after paragraph (1)(b) insert—

“(ba) in a case to which article 2F applies, the pre-application consultation report required by that article;”

(3) In article 22 after paragraph (3)(b) insert—

“(ba) in a case to which article 2F applies, the pre-application consultation report required by that article;”

(4) After Schedule 1 insert Schedules 1B and 1C contained in Schedule 1 to this Order.

Amendments relating to consultations before the grant of permission

5.—(1) In article 14(2) for “(x)” substitute “(w)”.

(2) In article 15(3) for “(x)” substitute “(w)”.

(3) For Schedule 4 substitute Schedule 4 as set out in Schedule 2 to this Order

Amendments relating to the duty to respond to consultation

6. In article 15A(11)—

(a) for paragraph (3) substitute—

“(3) For the purposes of this article and pursuant to section 54(5)(c) of the 2004 Act, a substantive response is one which—

(a) where no consultation for the purposes of section 61Z of the 1990 Act (Wales: requirement to carry out pre-application consultation) has taken place, or the consultee has failed to give a response in accordance with article 2E—

(i) states that the consultee has no comment to make;

(ii) states that the consultee has no objection to the proposed development and refers the person consulting to current standing advice by the consultee on the subject of consultation;

(iii) advises the person consulting of any concerns identified in relation to the proposed development and how those concerns can be addressed by the applicant; or

(iv) advises that the consultee objects to the proposed development and sets out the reasons for the objection; and

(b) where consultation for the purposes of section 61Z of the 1990 Act has taken place and the consultee has given a response in accordance with article 2E—

(i) states that the consultee has no further comment to make in respect of the proposed development and confirms that any comments made under article 2E remain relevant;

(ii) advises the person consulting of any new concerns identified in relation to the proposed development, why the concerns were not identified in the response given in accordance with article 2E and—

(aa) how the concerns can be addressed by the applicant; or

(bb) that the consultee objects to the proposed development and sets out the reasons for the objection.”

(b) after paragraph (3) insert—

“(4) In this article and article 15B references to a consultee include reference to a specialist consultee where consultation for the purposes of section 61Z of the 1990 Act has taken place.”

Amendments relating to the duty to respond to consultation: annual reports

7. In article 15B(12)—

(a) after paragraph 1 insert—

“(1A) Each consultee who is, by virtue of article 2E, under a duty to respond to pre-application consultation must, in the report given to the Welsh Ministers in accordance with paragraph (1), include a report as to that consultee’s compliance with that article.”;

(b) in paragraph (3)(d) after “for the purposes of section 54(4) of the 2004 Act” insert “or, as the case may be, the period specified in or referred to in article 2E(1)”;

(c) after paragraph 3(d) insert—

“(4) In this article “substantive response” means either a substantive response to the applicant or local planning authority in accordance with articles 2E or 15A.”

Amendments relating to consultation in respect of certain applications

8. After article 15B, insert—

“Consultation in respect of certain applications relating to planning permission; time periods

15C. The period specified for the purposes of section 100A(3)(a) of the 1990 Act is the period of 21 days beginning with the day on which —

- (a) the document on which the views of the consultees are sought; or
- (b) where there is more than one document and they are sent on different days, the last of those documents, is received by the consultee.

Information to be provided by local planning authority

15D. The local planning authority must provide the following information to a statutory consultee for the purposes of or in connection with the consultation—

- (a) a copy of the application form relating to a relevant application⁽¹³⁾;
- (b) the reference number allocated by the local planning authority to the original application⁽¹⁴⁾;
- (c) any drawings in connection with the relevant application; and
- (d) any report in connection with the relevant application which is issued to the local planning authority.

Substantive response to consultation

15E. A substantive response for the purposes of section 100A(2) of the 1990 Act is a response which —

- (a) states that the consultee has no comment to make;
- (b) states that the consultee has no objection to the matters which are the subject of the consultation and refers the person consulting to current standing advice by the consultee on the subject of the consultation;

⁽¹²⁾ Article 15B was inserted by [S.I.2015/1330 \(W. 123\)](#).

⁽¹³⁾ “Relevant application” is defined in section 100A(1) of the 1990 Act.

⁽¹⁴⁾ See section 100A(7) of the 1990 Act for “original application”.

- (c) advises the person consulting of any concerns identified in relation to the matters which are the subject of the consultation and how those concerns can be addressed by the applicant; or
- (d) advises that the consultee objects to the matters which are the subject of the consultation and sets out the reasons for the objection.

Annual reports – compliance with consultation requirements

15F.—(1) Each statutory consultee who is consulted about a relevant application must give to the Welsh Ministers, not later than 1 July in each calendar year beginning with 1 July 2017, a report as to that consultee’s compliance with sections 100A(2) and (3) of the 1990 Act and article 15C.

(2) The report must relate to the period of 12 months commencing on 1 April in the preceding calendar year (“the report year”).

- (3) The report must contain, in respect of the report year in question, a statement as to—
 - (a) the number of occasions on which the consultee was consulted;
 - (b) the number of occasions on which a substantive response was provided;
 - (c) the number of occasions on which the consultee gave a substantive response outside the period prescribed for the purposes of section 100A(3) of the 1990 Act and a summary of the reasons why.

Amendments relating to design and access statements

9.—(1) For article 7 substitute—

“**7.**—(1) Subject to paragraph (2), paragraph (3) applies to an application for planning permission—

- (a) for major development;
- (b) where any part of the development is in a designated area, for development consisting of—
 - (i) the provision of one or more dwellinghouses; or
 - (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.

(2) Paragraph (3) does not apply to—

- (a) a section 73 application;
- (b) an application for planning permission—
 - (i) for mining operations;
 - (ii) for a material change in use of the land or buildings; or
 - (iii) for waste development.

(3) An application for planning permission to which this paragraph applies must be accompanied by a statement (“a design and access statement”) which complies with paragraph (4).

(4) A design and access statement must—

- (a) explain the design principles and concepts that have been applied to the development;

- (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
 - (c) explain the policy or approach adopted as to access, and how policies relating to access in the development plan have been taken into account; and
 - (d) explain how any specific issues which might affect access to the development have been addressed.
- (5) In paragraph (1) “designated area” (“*ardal ddynodedig*”) means—
- (a) a conservation area⁽¹⁵⁾; or
 - (b) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and National Heritage (a World Heritage Site)⁽¹⁶⁾.”
- (2) In article 8(1)(c) omit “or the access statement as the case may be”.
- (3) In article 22(3)(c) omit “or the access statement as the case may be”.

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.

⁽¹⁵⁾ “Conservation area” is defined in section 91 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) as an area designated under section 69 of that Act.

⁽¹⁶⁾ See <http://whc.unesco.org/en/list>

(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)”.

Amendments relating to article 22 (time periods for decisions): post submission amendments

11. In article 22 (time periods for decisions)—

(a) after paragraph (1), insert—

“(1A) References in paragraph (1) to a valid application include references to that application as amended prior to the local planning authority determining the application.”

(b) after sub-paragraph (2)(a), insert—

“(aa) in a case to which paragraph (1A) applies, the period of —

- (i) 4 weeks beginning with the date on which the amendment to the application was received by the authority; or
- (ii) 12 weeks beginning with the date on which the application to which the amendment relates is received by the authority

whichever is the later;”

(c) in sub-paragraph(2)(c), for “ specified in sub-paragraph (a) or (b) above”, substitute “specified in sub-paragraphs (a), (aa) or (b).”

(d) after paragraph (3), insert—

“(3A) An amendment to a valid application must be taken to have been received when the amendment and such of the documents included in or accompanying the amendment and any fee required have been lodged with the local planning authority.”

Amendments relating to decision notices, notification of initiation of development and display of notice

12.—(1) After article 24, insert—

“Revised notice of decision to grant planning permission

24A.—(1) Applicants are specified for the purposes of section 71ZA(5) of the 1990 Act.

(2) For the purposes of section 71ZA(6) the details to be included in the revised version of the notice of a decision to grant planning permission are—

- (a) the reference number;
- (b) the date and effect of the decision;
- (c) the name of the body that made the decision; and
- (d) the revision number.

Notification of initiation of development and display of notice

24B.—(1) Planning permission for major development is specified for the purposes of section 71ZB(6) of the 1990 Act.

(2) The notice to be given to a local planning authority before beginning any development to which a relevant planning permission relates, in accordance with section 71ZB(1) of the 1990 Act, must be in the form set out in Schedule 5A or in a form substantially to the like effect.

(3) The notice to be displayed at all times when development to which a relevant planning permission relates is being carried out, in accordance with section 71ZB(2) of the 1990 Act, must—

- (a) be in the form set out in Schedule 5B or in a form substantially to the like effect;
- (b) be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (c) be legible and easily visible to the public without having to enter the site; and
- (d) be printed on durable material.

(4) Where the notice to be displayed is, without any fault or intention of the person carrying out development, removed, obscured or defaced, the person will be treated as having complied with the requirements of sub-paragraphs (b) and (c) of paragraph (3) if they have taken reasonable steps to protect the notice and, if need be, replace it.”

(2) In article 26(17) after paragraph (3)(b) insert—

“(c) where this paragraph specifies the planning permission granted and a revised version of the notice of the decision to grant planning permission has been issued by the authority in accordance with section 71ZA(5) of the 1990 Act and article 24A, it is to be read as specifying the revised version of the notice.”

(3) In article 29(18) after paragraph 3(c) insert—

(17) Amended by S.I. 2015/1330 (W. 123).

(18) Amended by S.I. 2014/1772 (W. 183) and S.I. 2015/1330 (W. 123).

“(ca) the revised version of the decision, if any, issued by the authority in accordance with section 71ZA(5) of the 1990 Act and article 24A;”

(4) After Schedule 5 insert Schedules 5A and 5B as set out in Schedule 3 to this Order.

Amendments relating to validation

13.—(1) In article 8—

(a) in paragraph (1) for sub-paragraph (a) substitute—

“(a) an application which complies with the requirements of article 5;”

(b) for paragraph (3) substitute—

“(3) Where the local planning authority consider that any fee required to be paid in respect of the application has not been paid (save for where a cheque is dishonoured and paragraphs (2)(c) and (3)(g) of article 22 apply) they must, as soon as reasonably practicable, serve a notice on the applicant stating that the application is invalid. The notice must inform the applicant of the amount of the fee required to be paid and how the fee can be paid.”

(c) after paragraph (3) insert—

“(3A) Where the local planning authority consider that section 62ZA(2) of the 1990 Act applies to the application they must, as soon as reasonably practicable, serve a notice on the applicant stating that the application is invalid. The notice given in accordance with section 62ZA(2) of the 1990 Act must inform the applicant of—

(a) the right of appeal to the Welsh Ministers under section 62ZB of the 1990 Act, and

(b) the time limit in article 24C(2) within which the applicant must give notice of appeal.”

(2) In article 22 in paragraph (3) for sub-paragraph (a) substitute—

“(a) an application which complies with the requirements of article 5;”

(3) In article 23—

(a) for “Where an application” substitute “Where a valid application”;

(b) omit “an application for approval of reserved matters or”;

(c) the provision in article 23 as amended by sub-paragraphs (a) and (b) becomes paragraph (1) of the article; and

(d) after that paragraph insert—

“(2) For the purpose of calculating the periods referred to in paragraph (1) where any fee required in respect of an application has been paid by a cheque which is subsequently dishonoured, the period between the date when the local planning authority sent the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied that they have received the full amount of the fee must be disregarded.

(3) In this article “valid application” (“*cais dilys*”) means an application which consists of—

(a) an application which includes the information and is accompanied by the documents or other materials required to comply with the terms of the planning permission in question;

(b) an application which complies with the requirements of article 4 where applicable; and

- (c) any fee required to be paid in respect of the application and, for this purpose, lodging a cheque for the amount of the fee is to be taken as payment,

and a valid application must be taken to have been received when the application and such of the information, documents or other materials referred to above as are required to be included in or to accompany the application and any fee required have been lodged with the local planning authority.

(4) Where the local planning authority consider that any fee required to be paid in respect of the application has not been paid (save for where a cheque is dishonoured and paragraphs (2) and (3)(c) apply) they must, as soon as reasonably practicable, serve a notice on the applicant stating that the application is invalid. The notice must inform the applicant of the amount of the fee required to be paid and how the fee can be paid.

(5) Where the local planning authority consider that section 62ZA(4) of the 1990 Act applies to the application they must, as soon as reasonably practicable, serve a notice on the applicant stating that the application is invalid. The notice given in accordance with section 62ZA(4) of the 1990 Act must inform the applicant of—

- (a) the right of appeal to the Welsh Ministers under section 62ZB of the 1990 Act, and
- (b) the time limit in article 24C(2) within which the applicant must give notice of appeal.”

(4) In Part 5, before article 25 insert—

“Appeals against notice of non-validation

24C.—(1) An applicant who wishes to appeal to the Welsh Ministers under section 62ZB of the 1990 Act must give notice of appeal to the Welsh Ministers by—

- (a) serving on the Welsh Ministers, within the time limit specified in paragraph (2), a form obtained from the Welsh Ministers together with the documents referred to in paragraph (3); and
- (b) serving on the local planning authority, as soon as reasonably practicable, a copy of the form and the documents that are served on the Welsh Ministers.

(2) The time limit mentioned in paragraph (1)(a) is two weeks from the date of the service of the notice pursuant to article 8(3A) or 23(5) stating that the application is invalid or such longer period as the Welsh Ministers may at any time allow.

(3) For the purposes of paragraph (1)(a) the documents are—

- (a) in the case of an application for planning permission—
 - (i) a copy of the notice served pursuant to article 8(3A) stating that the application is invalid;
 - (ii) a copy of the application made to the local planning authority which has occasioned the appeal; and
 - (iii) a copy of the forms, documents, plans, drawings, statements, declarations, certificates, particulars or evidence mentioned in articles 5 and 8(1) which were given to the authority in connection with the application before the date of the notice served pursuant to article 8(3A) stating that the application is invalid.
- (b) in the case of an application made under article 23—
 - (i) a copy of the notice served pursuant to article 23(5) stating that the application is invalid;

- (ii) a copy of the application made to the local planning authority which has occasioned the appeal;
 - (iii) a copy of the notice of the decision to grant planning permission, if any, pursuant to which the application is made; and
 - (iv) a copy of the forms, documents, plans, drawings, statements, declarations, certificates, particulars or evidence (including such of them that are mentioned in article 4(1) where applicable) which were given to the authority in connection with the application before the date of the notice served pursuant to article 23(5) stating that the application is invalid.
- (c) Where sub-paragraph (b)(iii) applies and a revised version of the notice of the decision has been issued by the authority in accordance with section 71ZA(5) of the 1990 Act and article 24A, sub-paragraph (b)(iii) is to be read as referring to the revised version of the notice.
- (4) The Welsh Ministers may refuse to accept a notice of appeal from an applicant if the form and documents required under paragraph (1)(a) are not served on the Welsh Ministers within the time limit specified in paragraph (2).
- (5) The Welsh Ministers may provide, or arrange for the provision of, a website for use for such purposes as the Welsh Ministers think fit which—
- (a) relate to appeals under section 62ZB of the 1990 Act and this article, and
 - (b) are capable of being carried out electronically.
- (6) Where a person gives notice of appeal to the Welsh Ministers using electronic communications, the provisions of article 32 apply.”
- (5) In the heading to article 25, after “Notice of appeal” insert “under section 78 of the 1990 Act”.
- (6) In the heading to article 26, after “Appeals” insert “under section 78 of the 1990 Act”.
- (7) In the heading to article 26A(19), after “Appeal made” insert “under section 78 of the 1990 Act”.

Amendment relating to local development orders

14. For article 27(13)(b), substitute—

- “(b) for development which is Schedule 1 development within the meaning of regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.”

Transitional provisions

15.—(1) The provisions in article 4 do not apply in respect of applications for planning permission for major development made before 1 August 2016.

(2) The provisions in article 9 do not apply to an application for planning permission made before this Order comes into force.

(3) The provisions in article 10 do not apply in relation to a section 73 application made before this Order comes into force.

(4) The provisions in article 12(1) do not apply to a planning permission granted before this Order comes into force.

(5) The provisions in article 13(1) to (4) do not apply to an application for planning permission, consent, agreement or approval made before this Order comes into force.

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27 January 2016

Carl Sargeant
Minister for Natural Resources, one of the Welsh
Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 4(4)

Pre-application notices

“SCHEDULE 1B

Articles 2C & 2D

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION
NOTICE UNDER ARTICLES 2C AND 2D

(to be served on owners and/or occupiers of adjoining land and community consultees; and displayed by site notice on or near the location of the proposed development)

Purpose of this notice: this notice provides the opportunity to comment directly to the developer on a proposed development prior to the submission of a planning application to the local planning authority (“LPA”). Any subsequent planning application will be publicised by the relevant LPA; any comments provided in response to this notice will not prejudice your ability to make representations to the LPA on any related planning application. You should note that any comments submitted may be placed on the public file.

Proposed development at (a)

I give notice that (b)

is intending to apply for planning permission to (c):

You may inspect copies of:

the proposed application;

the plans; and

other supporting documents

online at (d) and computer

facilities are available to view this information online at (e).....

between the hours of (f).....

(or)

You may view this information at (g)..... between the hours of (h).....

Anyone who wishes to make representations about this proposed development must write to the applicant/agent at (i) or (j)

by (k)

Signed:

Date:

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Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) address of website
- e) insert address of relevant building
- f) insert opening hours of building at (e)
- g) insert address of relevant building
- h) insert opening hours of building at (g)
- i) email address of the applicant/agent
- j) address of the applicant
- k) date giving a period of 28 days, beginning with the date of service and publication

SCHEDULE 1C

Article 2D

CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION

NOTICE UNDER ARTICLE 2D

(to be served on specialist consultees, as defined by article 2(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Purpose of this notice : this notice comprises a formal request for a pre-application consultation response under article 2D of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Proposed development at (a)

I give notice that (b)

is intending to apply for planning permission to (c):

A copy of the proposed application; plans; and other supporting documents are attached/can be viewed online at (d)

In accordance with the requirements of article 2E of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a consultation response must be sent to (e) by (f).

Signed:

Date:

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) address of website
- e) e-mail address of the applicant/agent
- f) date giving a period of 28 days, beginning with the date of service and publication

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SCHEDULE 2

Article 5(3)

Consultation before the grant of permission

“SCHEDULE 4

Articles 14 and 15

Consultations Before the Grant of Permission

TABLE

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(a)	Development likely to affect land in the area of another local planning authority	The local planning authority concerned
(b)	Development, in relation to which an application for planning permission has been made to the Welsh Ministers under section 293A of the 1990 Act ⁽²⁰⁾ (urgent Crown development: application), where that development is likely to affect land in the area of a community council	The community council
(c)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive
(d)	Development within an area which has been notified to the local planning authority by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of—	The Office for Nuclear Regulation

⁽²⁰⁾ Section 293A was inserted by section 82(1) of the Planning and Compulsory Purchase Act 2004 (c. 5).

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
	<p>(i) residential accommodation;</p> <p>(ii) more than 250 square metres of retail floor space;</p> <p>(iii) more than 500 square metres of office floor space; or</p> <p>(iv) more than 750 square metres of floor space to be used for an industrial process,</p> <p>or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area</p>	
(e)	<p>Development likely to result in a material increase in the volume or a material change in the character of traffic—</p> <p>(i) entering or leaving a trunk road; or</p> <p>(ii) using a level crossing over a railway</p>	<p>The Welsh Ministers</p> <p>The operator of the network which includes or consists of the railway in question, and the Welsh Ministers</p>
(f)	<p>Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway</p>	<p>The local highway authority concerned</p>
(g)	<p>Development likely to prejudice the improvement or construction of a classified road or proposed highway</p>	<p>The local highway authority concerned</p>
(h)	<p>Development involving—</p> <p>(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or</p> <p>(ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force</p>	<p>The local highway authority concerned</p> <p>The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire</p>
(i)	<p>Development which consists of or includes the laying out or construction of a new street</p>	<p>The local highway authority</p>
(j)	<p>Development, other than householder development, within an area which has been notified for the purpose of this provision to the local planning authority by the Coal Authority because of the presence of land instability risks from coal mining</p>	<p>The Coal Authority</p>

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<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
(k)	Development involving or including mining operations	The Natural Resources Body for Wales
(l)	<p>(i) Development which has a direct physical impact on a scheduled monument.</p> <p>(ii) Development likely to be visible from a scheduled monument and which meets one of the following criteria--</p> <p>a) it is within a distance of 0.5 kilometres from any point of the perimeter of a scheduled monument;</p> <p>b) it is within a distance of 1 kilometre from the perimeter of a scheduled monument and is 15 metres or more in height, or has an area of 0.2 hectares or more;</p> <p>c) it is within a distance of 2 kilometres from the perimeter of a scheduled monument and is 50 metres or more in height, or has an area of 0.5 hectares or more;</p> <p>d) it is within a distance of 3 kilometres from the perimeter of a scheduled monument and is 75 metres or more in height, or has an area of 1 hectare or more; or</p> <p>e) it is within a distance of 5 kilometres from the perimeter of a scheduled monument and is 100 metres or more in height, or has an area of 1 hectare or more.</p> <p>(iii) Development likely to affect the site of a registered historic park or garden or its setting;</p> <p>(iv) Development within a registered historic landscape that requires an Environmental Impact Assessment; or</p> <p>(v) Development likely to have an impact on the outstanding universal value of a World Heritage Site</p>	The Welsh Ministers
(m)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The Natural Resources Body for Wales
(n)	Development for the purpose of refining or storing mineral oils and their derivatives	The Natural Resources Body for Wales
(o)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or	The Natural Resources Body for Wales

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
	sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	
(p)	Development relating to the use of land as a cemetery	The Natural Resources Body for Wales The water and sewerage undertaker concerned
(q)	Development— (i) in or likely to affect a site of special scientific interest; or (ii) within an area which has been notified to the local planning authority by the Natural Resources Body for Wales and which is within two kilometres, of a site of special scientific interest, of which notification has been given, or has effect as if given, to the local planning authority by the Natural Resources Body for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest) as applied in Wales by section 27AA of that Act ⁽²¹⁾	The Natural Resources Body for Wales
(r)	Development involving – (i) any land on which there is a theatre; (ii) residential development (excluding householder development) within 50 metres of a theatre (not falling within paragraph (i)); or (iii) a proposed theatre.	The Theatres Trust
(s)	Development which is not for agricultural purposes, is not in accordance with the provisions of a development plan and involves— (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or	The Welsh Ministers

(21) 1981 (c. 69). Section 28 was substituted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c. 37). Section 27AA was inserted by section 105 of, and paragraph 78 of Part 1 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16), and amended by article 4(1) of, and paragraphs 169 and 172 of Part 1 of Schedule 2 to, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)).

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Paragraph	Description of Development	Consultee
	(ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	
(t)	Development within 250 metres of land which— (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the Natural Resources Body for Wales for the purposes of this provision	The Natural Resources Body for Wales
(u)	Development which— (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been: (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface	The Sports Council for Wales ⁽²²⁾
(v)	Development likely to affect— (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal & River Trust; or (ii) any canal feeder channel, watercourse, let off or culvert, which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal & River Trust	The Canal & River Trust
(w)	Development— (i) involving the siting of new establishments;	The control of major accident hazards competent authority, and in relation to development falling within paragraph (iii),

⁽²²⁾ The Sports Council for Wales is known as Sports Wales.

<i>Paragraph</i>	<i>Description of Development</i>	<i>Consultee</i>
	<p>(ii) consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18/EU⁽²³⁾; or</p> <p>(iii) which is new, including transport routes, locations of public use and residential areas in the vicinity of existing establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident</p>	<p>any person who is, according to the register held by the hazardous substances authority under regulation 22 of the Planning (Hazardous Substances) (Wales) Regulations 2015⁽²⁴⁾, the person who is in control of the land on which any existing establishment in question is located</p>
(x)	<p>Development –</p> <p>(i) on land designated as Flood Zone C2;</p> <p>(ii) involving or including emergency services development or highly vulnerable development on land designated as Flood Zone C1 or on land that has been notified to the local planning authority by the Natural Resources Body for Wales for the purpose of this provision.</p>	<p>The Natural Resources Body for Wales</p>
(y)	<p>Development—</p> <p>(i) involving new residential development (including single units); and</p> <p>(ii) which is major development not falling within paragraph (i).</p>	<p>The water and sewerage undertaker concerned</p>

Interpretation of Table

In the above Table—

- (a) in paragraphs (c)(iv) and (d)(iv), “industrial process” (*“proses ddiwydiannol”*) means a process for or incidental to any of the following purposes—
- (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
 - (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
 - (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this sub-paragraph, “mine” (*“mwynglawdd”*) means any site on which mining operations are carried out);
- (b) in paragraphs (c) and (d) “relevant nuclear site” (*“safle niwclear perthnasol”*) means a site which is—

⁽²³⁾ O.J. L 197, 24.7.2012, p 1.

⁽²⁴⁾ S.I. 2015/1597 (W. 196).

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- (i) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013)(**25**);
- (ii) an authorised defence site (within the meaning given by regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998(**26**)); or
- (iii) a new nuclear build site (within the meaning given by regulation 2A(1) of those Regulations)(**27**).]
- (c) in paragraph (e), “network” (“*rhwydwaith*”) and “operator” (“*gweithredwr*”) have the same meaning as in section 83(1) of the Railways Act 1993 (the provision of railway services)(**28**);
- (d) in paragraphs (f) and (g), “classified road” (“*ffordd ddosbarthiadol*”) means a highway or proposed highway which—
 - (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)(**29**); or
 - (ii) is classified for the purposes of any enactment by the Welsh Ministers by virtue of section 12(3) of that Act;
- (e) in paragraph (h), “concessionaire” (“*consesiynydd*”), “road subject to a concession” (“*ffordd sy’n ddarostyngedig i gonsesiwn*”) and “toll order” (“*gorchymyn tollau*”) have the same meaning as in Part I of the New Roads and Street Works Act 1991 (new roads in England and Wales)(**30**);
- (f) in paragraph (i), “street” (“*stryd*”) has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and “new street” (“*stryd newydd*”) includes a continuation of an existing street;
- (g) in paragraph (j), “householder development” (“*datblygiad gan ddeiliad ty*”) means—
 - (i) the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or
 - (ii) a change of use to enlarge the curtilage of a dwellinghouse,
 for any purpose incidental to the enjoyment of the dwellinghouse but does not include—
 - (aa) any other change of use,
 - (bb) the erection of a dwellinghouse, or
 - (cc) a change to the number of dwellings in a building;
- (h) in paragraph (l)—
 - (i) “scheduled monument” (“*heneb gofrestredig*”) has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(**31**);
 - (ii) reference to the height of development is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” (“*lefel y ddaear*”) means the level of the surface of the ground immediately adjacent to the development in question or, where the level of the surface of the

(25) 2013 c. 32.

(26) S.I. 1998/494. The definition of “authorised defence site” was inserted by Article 6(2) of, and paragraphs 70 and 72(a) of Schedule 3 to, the Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469).

(27) Regulation 2A was inserted by article 6(2) of and paragraphs 70 and 73 of, Schedule 3 to that Order.

(28) 1993 c. 43. There are amendments to section 83(1) not relevant to this Order.

(29) 1980 c. 66.

(30) 1991 c. 22; see section 26, to which there are amendments not relevant to this Order.

(31) 1979 c. 46.

- ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it;
- (iii) “registered historic park or garden” (“*parc hanesyddol cofrestredig neu ardal hanesyddol gofrestredig*”) and “registered historic landscape” (“*tirwedd hanesyddol gofrestredig*”) means the park, garden or landscape is included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales maintained by the Welsh Ministers⁽³²⁾;
- (iv) “World Heritage Site” (“*Safle Treftadaeth y Byd*”) means land appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention for the Protection of the World Cultural and Natural Heritage adopted at Paris on 16th November 1972 ⁽³³⁾;
- (i) in paragraph (o)—
- (i) “slurry” (“*slyri*”) means animal faeces and urine (whether or not water has been added for handling), and
- (ii) “caravan” (“*carafán*”) has the same meaning as in section 29(1) of the Caravan Sites and Control of Development Act 1960 (caravan sites)⁽³⁴⁾;
- (j) in paragraph (q), “site of special scientific interest” (“*safle o ddiddordeb gwyddonol arbennig*”) means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest) applies;
- (k) in paragraph (r), theatre” (“*theatr*”) has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)⁽³⁵⁾ and “householder development” (“*datblygiad gan ddeiliad ty*”) has the same meaning as in paragraph (j);
- (l) in paragraph (u)—
- (i) “playing field” (“*maes chwarae*”) means the whole of a site which encompasses at least one playing pitch;
- (ii) “playing pitch” (“*llain chwarae*”) means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo;
- (m) in paragraph (w)—
- (i) expressions appearing both in that paragraph and in Directive 2012/18/EU have the same meaning as in that Directive; and
- (ii) “control of major accident hazards competent authority” (“*awdurdod cymwys rheoli peryglon damweiniau mawr*”) means—
- (aa) in relation to a relevant nuclear site, the Office of Nuclear Regulation and the Natural Resources Body for Wales, acting jointly;
- (bb) otherwise, the Health and Safety Executive and the Natural Resources Body for Wales acting jointly; and
- (n) in paragraph (x)—
- “Flood Zone C2” (“*Parth Llifogydd C2*”) means an area of a floodplain without significant flood defence infrastructure ;

⁽³²⁾ See <http://cadw.gov.wales/historicenvironment/protection/historiclandscapes/?lang=en>

⁽³³⁾ See <http://whc.unesco.org/en/list>

⁽³⁴⁾ 1960 c. 62. There are amendments to section 29(1) not relevant to this Order.

⁽³⁵⁾ 1976 c. 27.

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“Flood Zone C1 (“*Parth Llifogydd C1*”) means an area of the floodplain which is developed and served by significant infrastructure, including flood defences;⁽³⁶⁾ and “emergency services development” (“*datblygiad gwasanaethau brys*”) and “highly vulnerable development” (“*datblygiad a all fod mewn pergyl mawr*”) have the same meaning as set out in The Town and Country Planning (Notification) (Wales) Direction 2012⁽³⁷⁾.”

⁽³⁶⁾ Maps showing flood zones are available from the Welsh Government on <http://data.wales.gov.uk/apps/floodmapping/>.

⁽³⁷⁾ Welsh Government Circular: 07/2012

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SCHEDULE 3

Article 12

Notification of initiation of development and display of notice

“SCHEDULE 5A

Article 24B(2)

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

NOTICE UNDER ARTICLE 24B(2) TO BE GIVEN TO A LOCAL PLANNING AUTHORITY TO INFORM THEM WHEN DEVELOPMENT WILL BEGIN

Proposed development at (a)

I (b)..... of.....

Give notice to the (c) Local Planning Authority

that the proposed development granted permission under (d).....

on (e)

will begin on (f)

Description of the proposed development: (g)

.....
.....
.....
.....

I confirm I am+ the owner of the land to which the proposed development relates*

I confirm I am not+ the owner of the land to which the proposed development relates and the owner's full name and address are:*

(h)

(i)

Site manager name: (j).....

Site manager contact information: (k).....

.....
.....
.....

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I confirm that the following pre-commencement conditions have been complied with (1):

- Permission reference.....Condition number.....Date agreed.....
- Permission reference.....Condition number.....Date agreed.....
- Permission reference.....Condition number.....Date agreed.....
- Permission reference.....Condition number.....Date agreed.....
- Permission reference.....Condition number.....Date agreed.....
- Permission reference.....Condition number.....Date agreed.....
- Permission reference.....Condition number.....Date agreed.....
- Permission reference.....Condition number.....Date agreed.....

If required, please continue on a separate sheet

I attach a plan which indicates:

- A red line around the site boundary of the land that benefits from the permission
- The location where the notice, required by section 71ZB(2) of the Town and Country Planning Act 1990, will be displayed

Before beginning any development related to a grant of planning permission for major development a person must give notice to the local planning authority on this form.

A person carrying out development related to a grant of planning permission for major development must complete the form in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and display that form at or near the place where development is being carried out, at all times when development is being carried out. That form must be displayed in accordance with article 24B(3) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Signed

Date.....

+ relates to the applicant identified at (b)
* delete where appropriate

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Insert:

- (a) address or location of the proposed development
- (b) applicant's name and address
- (c) name of the Local Planning Authority
- (d) planning application reference number
- (e) date the decision notice was issued
- (f) date the development is to begin
- (g) description of development as included on the decision notice
- (h) owner's full name (if applicable)
- (i) owner's full address (if applicable)
- (j) name of the person who has or will be appointed to oversee the carrying out of the development on site
- (k) contact details for person (j) including, where appropriate, business postal and email addresses and telephone number
- (l) pre-commencement conditions are those that require the approval of details by the local planning authority before the development can commence

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SCHEDULE 5B

Article 24B(3)

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

NOTICE UNDER ARTICLE 24B(3) TO BE DISPLAYED AT ALL TIMES WHEN DEVELOPMENT IS BEING CARRIED OUT

PART 1

Development at (a)
Notice is hereby given that planning permission (b)
was granted subject to conditions (c) to (d)
on (e)
by (f).....and development has now commenced

The development comprises (g)
and is marked by the edged/coloured area of the attached plan which is drawn to an identified
scale, shows the direction of north and which forms, and is displayed as, PART 2 of this notice.

Further information regarding the planning permission including the conditions, if any, on which it
has been granted can be obtained at all reasonable hours at (h)

A person carrying out development related to a grant of planning permission for major
development must display this completed form at or near the place where development is being
carried out, at all times when development is being carried out. The form must be displayed in
accordance with article 24B(3) of the Town and Country Planning (Development Management
Procedure) (Wales) Order 2012.

Before beginning development related to a grant of planning permission for major development a
person must give notice to the local planning authority on the form in Schedule 5A to the Town
and Country Planning (Development Management Procedure) (Wales) Order 2012.

Notes

- (a) Insert address or describe the location of development.
- (b) Insert the relevant planning application reference number.
- (c) Delete "subject to conditions" if the planning permission is not subject to any conditions.
- (d) Insert name and address of developer.
- (e) Insert date on which planning permission granted.
- (f) Insert planning authority or Welsh Ministers.
- (g) Insert description of development.
- (h) Insert address of planning authority.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (“the 2012 Order”).

The main changes are—

- Article 4 inserts Part 1A (pre-application consultation) and makes a consequential amendment to article 22 of the 2012 Order (time periods for decisions).
- Article 5 replaces Schedule 4 to the 2012 Order (consultations before the grant of permission).
- Articles 6 and 7 make amendments to articles 15A and 15B of the 2012 Order (duty to respond to consultation).
- Article 8 inserts articles 15C to 15F into the 2012 Order, which deal with consultation on applications related to planning permission, such as for approval of reserved matters or other consents required.
- Article 9 replaces article 7 of the 2012 Order (design and access statements).
- Article 10 makes provision in relation to consultation on applications to develop land without compliance with conditions attached to an earlier permission.
- Article 11 amends article 22 of the 2012 Order (time periods for decisions) and makes provision for post submission amendments.
- Article 12 inserts article 24A into the 2012 Order to deal with decision notices. Article 12 also inserts article 24B into the 2012 Order to make provision for notice to be given to a local planning authority before major development begins and for the notice to be displayed when major development is carried out.
- Article 13 amends the 2012 Order to make provision for appeals against a decision of a local planning authority that an application is invalid.
- Article 14 amends article 27 of the 2012 Order to allow local development orders to grant planning permission for development which is Schedule 2 development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.

An impact assessment has been prepared in relation to this instrument. Copies are available from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government’s web site at www.wales.gov.uk.