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WELSH STATUTORY INSTRUMENTS

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**2021 No. 1297 (W. 330)**

**TOWN AND COUNTRY PLANNING, WALES**

**The Development Procedure (Consultees) (Wales)  
(Miscellaneous Amendments) (Amendment) Order 2021**

<i>Made</i>	- - - -	<i>22 November 2021</i>
<i>Laid before Senedd Cymru</i>		<i>23 November 2021</i>
<i>Coming into force</i>	- -	<i>25 November 2021</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 59 and 74(1)(c) of the Town and Country Planning Act 1990<sup>(1)</sup> and now exercisable by them<sup>(2)</sup> and in exercise of the powers conferred on them by sections 61Z(8) and (9), 62R, 333(4B) and (7) of that Act<sup>(3)</sup>, make the following Order.

**Title and commencement**

1.—(1) The title of this Order is the Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) (Amendment) Order 2021.

(2) This Order comes into force on 25 November 2021.

**Amendment of the Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2021**

2.—(1) The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2021<sup>(4)</sup> is amended as follows.

(2) For article 1(2)(a) substitute—

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- (1) [1990 c.8](#) (“the 1990 Act”). Section 59 was amended by section 27 of, and paragraphs 1 and 3 of Schedule 4 to, and section 55 of, and paragraph 5 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4) (“the 2015 Act”) and by section 1(2) of, and paragraphs 1 and 4 of Schedule 1 to, the Growth and Infrastructure Act 2013 ([c.27](#)). There are amendments to section 74 which are not relevant to this instrument.
- (2) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)); *see* the entry in Schedule 1 for the 1990 Act as substituted by [S.I. 2000/253](#). 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 59(4) of the 1990 Act which provides that a development order in relation to Wales means a development order made by the Welsh Ministers.
- (3) Section 61Z was inserted by section 17(1) and (2) of the 2015 Act. Section 62R was inserted by section 25 of the 2015 Act. Section 333(4B) was inserted by section 55 of, and paragraph 6(1) and (3) of Schedule 7 to the 2015 Act.
- (4) [S.I. 2021/1189 \(W. 297\)](#).

“(a) this article and articles 2(1) and 3(1) come into force on 1 December 2021;”

(3) Omit the following—

- (a) article 2(2)(a);
- (b) article 2(3)(b);
- (c) article 3(2)(a); and
- (d) article 3(3).

22 November 2021

*Julie James*  
Minister for Climate Change, one of the Welsh  
Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2021 by omitting provisions in the Order in relation to the categories of development at risk of flooding in respect of which Natural Resources Wales are to be consulted.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.