Planning (Wales) Act 2015

2015 anaw 4

PART 4

PRE-APPLICATION PROCEDURE

17 Requirement to carry out pre-application consultation

(1) TCPA 1990 is amended as follows.

(2) After section 61Y insert—

"Wales: pre-application procedure

61Z Wales: requirement to carry out pre-application consultation

(1) This section applies where—
   (a) a person (the "applicant") proposes to make an application for planning permission for the development of land within the area of a local planning authority in Wales, and
   (b) the proposed development is development of a description specified in a development order.

(2) The applicant must carry out consultation on the proposed application in accordance with subsections (3) and (4).

(3) The applicant must publicise the proposed application in such manner as the applicant reasonably considers likely to bring it to the attention of a majority of the persons who own or occupy premises in the vicinity of the land.

(4) The applicant must consult each specified person about the proposed application.

(5) Publicity under subsection (3) must—
   (a) set out how the applicant may be contacted by persons wishing to comment on the proposed development;

    (b)   give such information about the proposed timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed development may do so in good time.

(6) For the purposes of subsection (4), a specified person is a person specified in, or a person of a description specified in, a development order.

(7) Subsection (2) does not apply—
    (a)   if the proposed application is an application under section 293A, or
    (b)   in cases specified in a development order.

(8) A development order may make provision about, or in connection with, consultation required to be carried out under this section (including by way of publicising an application under subsection (3)).

(9) That provision may include —
    (a)   provision about how the consultation is to be carried out (including about the form and content of documents, and information and other materials that are to be provided to a person for the purposes of, or in connection with, the consultation);
    (b)   provision about responding to the consultation (including provision requiring a person consulted to respond to the consultation, or to respond to the consultation in a particular way, or to respond within a particular time);
    (c)   provision about the timetable (including deadlines) for consultation;
    (d)   provision for a person consulted by virtue of subsection (4) to make a report to the Welsh Ministers about the person's compliance with any requirement imposed by virtue of paragraph (b) or (c) (including provision as to the form and content of the report and the time at which it is to be made)."

(3) In section 62 (applications for planning permission), after subsection (8) insert—

    "(9) In subsection (10), a "relevant Welsh application" means an application for planning permission, in a case where a person—
    (a)   has been required by section 61Z to carry out consultation on a proposed application for planning permission for the development of land, and
    (b)   is going ahead with making an application for planning permission for the development (whether or not in the same terms as the proposed application).

    (10) A development order must require a relevant Welsh application to be accompanied by a report (the "pre-application consultation report") giving particulars of—
    (a)   how the applicant complied with section 61Z;
    (b)   any responses to the consultation received from persons consulted under section 61Z(3) or (4);
    (c)   the account taken of those responses.

    (11) A development order may make provision about the form and content of the pre-application consultation report."

(4) In the title of section 61W, for "Requirement" substitute "England: requirement".

(5) In the cross-heading before that section, for "Consultation" substitute "England: consultation".