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WELSH STATUTORY INSTRUMENTS

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**2012 No. 801**

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

**PART 6**

Miscellaneous

**Local development orders**

**27.**—(1) Where a local planning authority propose to make a local development order the authority must first prepare—

- (a) a draft of the order; and
- (b) a statement of the authority's reasons for making the order.

(2) The statement of reasons must contain—

- (a) a description of the development which the order would permit; and
- (b) a plan or statement identifying the land to which the order would relate.

(3) Where a local planning authority have prepared a draft local development order, the authority must consult, in accordance with paragraph (5), such of the following persons whose interests the authority considers would be affected by the order if made—

- (a) a local planning authority or community council any part of whose area is in or adjoins the authority's area;
- (b) the [<sup>F1</sup>Natural Resources Body for Wales];
- <sup>F2</sup>(c) . . . . .
- (d) the Welsh Ministers;
- (e) any person—
  - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003 (application of the electronic communications code) <sup>M1</sup>; and
  - (ii) who owns or controls electronic communications apparatus situated in any part of the authority's area;
- (f) any of the following persons who exercise functions in any part of the authority's area—
  - (i) a Local Health Board <sup>M2</sup>;
  - (ii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc) <sup>M3</sup>;
  - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters) <sup>M4</sup>;
  - (iv) a sewerage undertaker;

- (v) a water undertaker;
  - (g) voluntary bodies some or all of whose activities benefit any part of the authority's area;
  - (h) bodies which represent the interests of different racial, ethnic or national groups in the authority's area;
  - (i) bodies which represent the interests of different religious groups in the authority's area;
  - (j) bodies which represent the interests of disabled persons in the authority's area;
  - (k) bodies which represent the interests of persons carrying on business in the authority's area.
- (4) The local planning authority must also consult any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order.
- (5) In consulting in accordance with paragraphs (3) and (4) the local planning authority must—
- (a) send a copy of the draft order and the statement of reasons to the consultees;
  - (b) specify a consultation period of not less than [<sup>F3</sup>30 days]; and
  - (c) take account of all representations received by them during the period specified.
- (6) A local planning authority must, during any consultation under paragraphs (3) and (4)—
- (a) make a copy of the draft local development order [<sup>F4</sup>, statement of reasons and any environmental statement] available for inspection—
    - (i) at their principal office during normal working hours; and
    - (ii) at such other places within their area as they consider appropriate;
  - (b) publish on their website—
    - (i) the draft local development order [<sup>F5</sup>, statement of reasons and any environmental statement];
    - (ii) a statement that those documents are available for inspection and the places where and times when they can be inspected; and
    - (iii) the date by which representations on the draft local development order must be received, which must be not less than [<sup>F6</sup>30 days] after the date of first publication on the website; and
  - (c) give notice by local advertisement of—
    - (i) the draft local development order [<sup>F7</sup>, statement of reasons and any environmental statement];
    - (ii) the availability of those documents for inspection, and the places where and times when they can be inspected; and
    - (iii) the date by which representations on the draft local development order must be received, which must be not less than [<sup>F8</sup>30 days] from the date on which the notice was first published.
- (7) Where the draft local development order would grant planning permission for development specified in the order, the local planning authority must also give notice of the proposal to make the order—
- (a) by displaying in at least one place on or near to the site to which the order relates a notice in the form set out in Schedule 6 or in a form substantially to the like effect, and, subject to paragraph (8), leaving the notice in position for a period of not less than [<sup>F9</sup>30 days] beginning with the date on which it is first displayed; and

- (b) by serving a copy of that notice on every person whom the authority know to be the owner or tenant of any part of the site whose name and address is known to the authority,
- (c) and must specify in the notice a date by which representations on the draft local development order must be received, which must be not less than [<sup>F10</sup>30 days] from the date on which the notice was displayed or served, as the case may be.

(8) Where the notice referred to in paragraph (7)(a) is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period referred to in that paragraph has elapsed, the authority are to be treated as having complied with the requirements of that paragraph if the authority have taken reasonable steps to protect the notice, and, if necessary, replace it.

(9) Where any notice of the proposal has been—

- (a) published on the local planning authority's website or by local advertisement in accordance with paragraph (6);
- (b) given by site display under paragraph (7)(a); or
- (c) served on an owner of the land or a tenant under paragraph (7)(b),

the authority must, in considering what modifications should be made to the draft local development order or whether such an order should be adopted, take into account any representations made in relation to that order and received by the authority by the date specified on the website or in the notices, in accordance with paragraph (6) or (7) as the case may be, as the date by which representations should be made (or, if the dates on the website or in the notices differ from each other, the latest of such dates).

(10) A local planning authority must send a copy of a draft local development order and the statement of reasons relating to that order, including any modifications made to the order or statement, to the Welsh Ministers at any time after the authority have complied with the requirements of paragraph (9).

(11) Subject to paragraph (12), a local planning authority must not take any further steps in connection with the adoption of a local development order until either—

- (a) the Welsh Ministers have notified the authority in writing that the Welsh Ministers do not intend to make a direction under section 61B(1) of the 1990 Act (intervention by Welsh Ministers) <sup>M5</sup>; or
- (b) a period of 21 days has elapsed from the date on which the draft was sent to the Welsh Ministers and the Welsh Ministers have not notified the authority that the Welsh Ministers intend to make such a direction or require more time to reach a decision.

(12) If, within the period of 21 days referred to in paragraph (11)(b), the Welsh Ministers have notified the local planning authority that the Welsh Ministers require more time to reach a decision, the authority must not take any further steps in connection with the adoption of the order unless the Welsh Ministers notify the authority as referred to in paragraph (11)(a).

(13) A local development order must not be made so as to grant planning permission—

- (a) for development affecting a listed building; or
- [<sup>F11</sup>(b) for development which is Schedule 1 development within the meaning of regulation 2(1) of [<sup>F12</sup>the EIA Regulations].]

(14) Where a local planning authority revokes a local development order the authority must—

- (a) publish on their website a statement that the local development order has been revoked;
- (b) give notice of the revocation by local advertisement; and
- (c) give written notice of the revocation to every person whom the authority consulted under paragraphs (3) or (4) before the making of the order.

(15) In this article—

- (a) a requirement to give notice by local advertisement is a requirement to publish the notice in as many newspapers as necessary to secure that the press coverage (taken as a whole) extends to the whole of the area to which the local development order relates; and
- (b) “listed building” (“*adeilad rhestredig*”) has the meaning given in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listing of buildings of special architectural or historic interest)<sup>M6</sup>.

### Textual Amendments

- F1** Words in art. 27(3)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 5 para. 79(2)** (with Sch. 7)
- F2** Art. 27(3)(c) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 5 para. 79(3)** (with Sch. 7)
- F3** Words in art. 27(5)(b) substituted (16.5.2017) by virtue of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), reg. 1(2), **Sch. 9 para. 1(13)(a)** (with regs. 1(4), 55(2)(3), 63, 65)
- F4** Words in art. 27(6)(a) substituted (1.3.2016) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2016 \(S.I. 2016/58\)](#), reg. 1(2), **Sch. 9 para. 8(4)(a)** (with reg. 59)
- F5** Words in art. 27(6)(b)(i) substituted (1.3.2016) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2016 \(S.I. 2016/58\)](#), reg. 1(2), **Sch. 9 para. 8(4)(b)** (with reg. 59)
- F6** Words in art. 27(6)(b)(iii) substituted (16.5.2017) by virtue of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), reg. 1(2), **Sch. 9 para. 1(13)(b)** (with regs. 1(4), 55(2)(3), 63, 65)
- F7** Words in art. 27(6)(c)(i) substituted (1.3.2016) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2016 \(S.I. 2016/58\)](#), reg. 1(2), **Sch. 9 para. 8(4)(b)** (with reg. 59)
- F8** Words in art. 27(6)(c)(iii) inserted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), reg. 1(2), **Sch. 9 para. 1(13)(c)** (with regs. 1(4), 55(2)(3), 63, 65)
- F9** Words in art. 27(7)(a) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), reg. 1(2), **Sch. 9 para. 1(13)(d)** (with regs. 1(4), 55(2)(3), 63, 65)
- F10** Words in art. 27(7)(c) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), reg. 1(2), **Sch. 9 para. 1(13)(d)** (with regs. 1(4), 55(2)(3), 63, 65)
- F11** Art. 27(13)(b) substituted (16.3.2016) by [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/59\)](#), arts. 1(2), **14**
- F12** Words in art. 27(13)(b) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), reg. 1(2), **Sch. 9 para. 1(13)(e)** (with regs. 1(4), 55(2)(3), 63, 65)

### Marginal Citations

- M1** [2003 c. 21](#).
- M2** See section 11 of the [National Health Service \(Wales\) Act 2006 \(c. 42\)](#).
- M3** [1989 c. 29](#). Section 6 was substituted by section 30 of the [Utilities Act 2000 \(c. 27\)](#), subsection (1)(b) was substituted by section 136(1) of the [Energy Act 2004 \(c. 20\)](#) and subsection (1)(c) was amended by section 197(9) of, and Part 1 of Schedule 23 to, the [Energy Act 2004](#).
- M4** [1986 c. 44](#); section 7 was substituted by section 5 of the [Gas Act 1995 \(c. 45\)](#) and subsection (2) was amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Part I of Schedule 6 to, the [Utilities Act 2000](#).

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**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Section 27.* (See end of Document for details)

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- M5** Section 61B was inserted by section 40(1) of the 2004 Act.
- M6** [1990 c. 9.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Section 27.