
WELSH STATUTORY INSTRUMENTS

2016 No. 55

The Developments of National Significance
(Procedure) (Wales) Order 2016

PART 6

Variation of applications

Procedure in respect of variation of applications

27.—(1) Subject to the following provisions of this article, an application may, with the agreement of the Welsh Ministers, be varied after it is made.

(2) An applicant may only propose the variation of a particular application to the Welsh Ministers on one occasion.

(3) An applicant proposing variation of an application must notify the Welsh Ministers in writing within the 10 working days which follow the expiry of the representation period.

(4) Such notification (“notification of intention to vary”) (*“hysbysiad o fwriad i amrywio”*) must—

- (a) be given on a form published by the Welsh Ministers (or a form substantially to the like effect);
- (b) provide a description of the variation that the applicant wishes the Welsh Ministers to accept for their consideration; and
- (c) be accompanied by any fee required to be paid in relation to the giving of such notification.

(5) The Welsh Ministers must, within 5 working days of receipt of notification of intention to vary given in accordance with paragraph (4), give notice to the applicant indicating whether the Welsh Ministers will accept the proposed variation for the purpose of considering whether or not they agree to the variation.

(6) Where the Welsh Ministers give notice under paragraph (5) which confirms that they will not accept the proposed variation for the purposes of considering whether or not they agree to the variation, it is the application as originally made under article 12 that falls to be determined by the Welsh Ministers.

(7) Where the Welsh Ministers give notice under paragraph (5) which confirms that they will accept the proposed variation for the purposes of considering whether or not they agree to the proposed variation, the applicant must formally submit the proposed variation to the Welsh Ministers within 28 days, beginning with the day on which the notice is given.

(8) Where the Welsh Ministers consider the proposed variation to be such that there is a substantial change in the nature of the development for which planning permission is sought, they must not agree to the variation.

(9) The Welsh Ministers may consult on any variation proposed by an applicant with such persons, and in such manner, as they consider appropriate.

(10) The Welsh Ministers may, when an application is varied under this article, give such notice of the variation as they consider appropriate.