
WELSH STATUTORY INSTRUMENTS

2016 No. 56

The Developments of National
Significance (Wales) Regulations 2016

PART 2

Pre-Application

Qualifying applications

5.—(1) The following are qualifying applications for the purposes of section 61Z1(4) of the 1990 Act (Wales: pre-application services)—

- (a) an application for planning permission for the development of land in Wales where the development to which the application relates is of national significance⁽¹⁾; and
- (b) an application or requirement for a secondary consent⁽²⁾ in respect of which the applicant considers a decision should be made by the Welsh Ministers.

(2) In this Part “applicant” (“*ceisydd*”) means the person proposing to make a qualifying application.

Request for pre-application services

6.—(1) Any request for pre-application services in respect of a qualifying application must—

- (a) be made in writing to the local planning authority or to the Welsh Ministers, on a form published by the Welsh Ministers (or a form substantially to the like effect);
- (b) include the particulars specified or referred to in the form published by the Welsh Ministers; and
- (c) be accompanied by—
 - (i) any plans or drawings specified or referred to in the form published by the Welsh Ministers; and
 - (ii) any fixed fee payable for pre-application services⁽³⁾.

(2) Any plans or drawings required to be provided by virtue of paragraph (c)(i) must be drawn to an identified scale and, in the case of plans, must show the direction of north.

(3) In this Part a “valid request for pre-application services” (“*deisyfiad dilys am wasanaethau cyn-ymgeisio*”) means a request for pre-application services in respect of a qualifying application which complies with the requirements of this regulation.

(1) Development is of national significance if it meets the criteria specified in the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (S.I. 2016/53 (W. 23)).

(2) For the definition of “secondary consent” see section 62H of the 1990 Act, inserted by section 20 of the Planning (Wales) Act 2015. Secondary consents are prescribed for the purposes of section 62H by the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016.

(3) For fixed and variable fees payable in respect of pre-application services, see the Developments of National Significance (Fees) (Wales) Regulations 2016 (S.I.2016/57) (W. 275).

(4) When the local planning authority or the Welsh Ministers receive a valid request for pre-application services, the authority or the Welsh Ministers must, as soon as is reasonably practicable, send the applicant an acknowledgement of the request stating the date by which pre-application services must be provided under regulation 7(3) or, as the case may be, regulation 8(3).

Duty to provide pre-application services: local planning authorities

7.—(1) Where a local planning authority receive a valid request for pre-application services, the authority must provide the pre-application services specified in paragraph (2) within the period specified or referred to in paragraph (3).

(2) The pre-application services specified in this paragraph are the provision to the applicant of information in relation to the following—

- (a) the planning history of the land on which the proposed development is to be carried out, so far as relevant to the proposed application;
- (b) the provisions of the development plan, so far as material to the proposed application;
- (c) any supplementary planning guidance, so far as material to the proposed application;
- (d) any other considerations which are or could be material in the opinion of the authority;
- (e) whether planning obligations (within the meaning of section 106 of the 1990 Act (planning obligations)(4)) are likely to be required and, if so, an indication of the likely scope of such planning obligations, including an indication of any sum which may be required to be paid to the authority; and
- (f) any relevant local community groups known to the authority which could be consulted by the applicant as part of pre-application consultation.

(3) The period specified in this paragraph is—

- (a) 28 days beginning with the day on which a valid request for pre-application services is received, or such other period as may be agreed in writing between the applicant and the authority; or
- (b) where the fee required in respect of a request for pre-application services has been paid by a cheque which is subsequently dishonoured, the period specified in sub-paragraph (a) calculated disregarding the period between the date when the authority sent the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied they have received the full amount of the fee.

(4) Any information given to the applicant must be given in writing.

Duty to provide pre-application services: Welsh Ministers

8.—(1) Where the Welsh Ministers receive a valid request for pre-application services, the Welsh Ministers must provide such of the pre-application services specified in paragraph (2) as are requested by the applicant within the time period specified in paragraph (3).

(2) The pre-application services specified in this paragraph are—

- (a) information and assistance in relation to any of the following—
 - (i) the form and content of the application;
 - (ii) the form and content of any technical reports which may be required;
 - (iii) the procedures for making and progressing an application; and

(4) Section 106 was substituted by section 12(1) of the Planning and Compensation Act 1991 (c. 31) and amended by section 174(2) of the Planning Act 2008 (c. 29) and section 7 of, and paragraph 3 of Schedule 2 to, the Growth and Infrastructure Act 2013 (c. 27).

- (b) such other information or assistance as requested by the applicant which the Welsh Ministers are able to provide and consider would assist the applicant in making and progressing an application; and
 - (c) an initial assessment of the proposed application.
- (3) The period specified in this paragraph is 28 days beginning with the day on which a valid request for pre-application services is received or such longer period as the Welsh Ministers may determine.
- (4) Any information given to the applicant must be given or confirmed in writing.

Monitoring and statement of services

- 9.—(1) Local planning authorities and the Welsh Ministers must maintain a record of—
- (a) each valid request for pre-application services received by them; and
 - (b) pre-application services provided in respect of qualifying applications.
- (2) The records referred to in paragraph 9 must identify the land to which the qualifying application relates.
- (3) Each local planning authority and the Welsh Ministers must publish on their respective websites—
- (a) a statement which gives particulars of the pre-application services provided by them in respect of qualifying applications;
 - (b) in the case of a local planning authority—
 - (i) the form referred to in regulation 6(a); and
 - (ii) details of fees payable in respect of requests for pre-application services; and
 - (c) in the case of the Welsh Ministers, details of how the fee for pre-application services is to be calculated.