
WELSH STATUTORY INSTRUMENTS

2016 No. 59

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016

Amendments relating to the duty to respond to consultation

6. In article 15A(1)—

(a) for paragraph (3) substitute—

“(3) For the purposes of this article and pursuant to section 54(5)(c) of the 2004 Act, a substantive response is one which—

(a) where no consultation for the purposes of section 61Z of the 1990 Act (Wales: requirement to carry out pre-application consultation) has taken place, or the consultee has failed to give a response in accordance with article 2E—

(i) states that the consultee has no comment to make;

(ii) states that the consultee has no objection to the proposed development and refers the person consulting to current standing advice by the consultee on the subject of consultation;

(iii) advises the person consulting of any concerns identified in relation to the proposed development and how those concerns can be addressed by the applicant; or

(iv) advises that the consultee objects to the proposed development and sets out the reasons for the objection; and

(b) where consultation for the purposes of section 61Z of the 1990 Act has taken place and the consultee has given a response in accordance with article 2E—

(i) states that the consultee has no further comment to make in respect of the proposed development and confirms that any comments made under article 2E remain relevant;

(ii) advises the person consulting of any new concerns identified in relation to the proposed development, why the concerns were not identified in the response given in accordance with article 2E and—

(aa) how the concerns can be addressed by the applicant; or

(bb) that the consultee objects to the proposed development and sets out the reasons for the objection.”

(b) after paragraph (3) insert—

“(4) In this article and article 15B references to a consultee include reference to a specialist consultee where consultation for the purposes of section 61Z of the 1990 Act has taken place.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
