

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 Applications to the Welsh Ministers

Section 19 – Developments of national significance: applications for planning permission

76. This section inserts sections 62D and 62E into the TCPA 1990.
77. Section 62D requires that planning applications for development of national significance (“DNS”) are made to the Welsh Ministers. A DNS application is an application for planning permission (other than outline planning permission) for the development of land in Wales, where the proposed development is of national significance. (Outline planning permission is permission which is granted subject to detailed matters being reserved for subsequent approval.)
78. The Welsh Ministers may give “national significance” to a development in two ways.
79. Firstly, the Welsh Ministers may set out criteria for DNS in regulations. A development in Wales will be of national significance if it meets those criteria. Regulations could, for example, give national significance to onshore generating stations of a certain capacity, or airport and rail related development of a certain scale.
80. Secondly, a development in Wales will be of national significance if it is described as such in the National Development Framework.
81. An application for planning permission to vary conditions attached to a previous planning permission (whether for DNS or other development) is not to be treated as an application for DNS unless the application is of a description prescribed in regulations by the Welsh Ministers.
82. A person who proposes to make a DNS application must notify the Welsh Ministers and the local planning authority to which the application would otherwise have been made. The Welsh Ministers may make provision, in a development order, as to the form and content of notification, information that is to accompany the notification, and the way and time in which the notification is to be given.
83. This section also requires that the Welsh Ministers must give notice to the person proposing the application that the notification has been accepted. The Welsh Ministers may make provision in regulations about the giving of such notice. This may include provision about the form and content of the notice and the way in which and the period within which it is given. Any step taken in respect of an application before such notice has been given does not constitute consultation about the application, which means that the Welsh Ministers must be notified of proposed applications before consultation takes place. A requirement to consult could arise where DNS applications have been prescribed in a development order for the purposes of section 61Z (inserted by section 17).