

WELSH STATUTORY INSTRUMENTS

2012 No. 801

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

PART 2

Applications

Publicity for applications for planning permission

12.—(1) An application for planning permission must be publicised by the local planning authority to which the application is made, in the manner prescribed by this article.

(2) [^{F1}Subject to paragraph (3A), in] the case of an application for planning permission for development which—

- ^{F2}(a)
- (b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; or
- (c) would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way) ^{M1} applies,

the application must be publicised in the manner specified in paragraph (3).

(3) An application falling within paragraph (2) (“a paragraph (2) application”) must be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates, for not less than 21 days; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

[^{F3}(3A) In the case of an EIA application, the local planning authority must publicise the application in accordance with the requirements of paragraph (7A) and, where the environmental statement is submitted with the application, by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 30 days; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.]

(4) In the case of an application for planning permission [^{F4}which is neither a paragraph (2) application nor an application falling within [^{F5}paragraph (3A) or (4A)]], if the development proposed is major development the application must be publicised by giving requisite notice—

- (a) (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (ii) by serving the notice on any adjoining owner or occupier; and

- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

[^{F6}(4A) In the case of a section 73 application which does not fall within subparagraph [^{F7}(2)(c) or (3A)], the application must be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; and
- (b) in such other manner as the local planning authority consider appropriate.]

(5) In a case to which neither paragraph (2) [^{F8}, [^{F9}paragraph (3A),] paragraph (4) nor paragraph (4A)] applies, the application must be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

(6) Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i) [^{F10}, (4A)] or (5)(a) [^{F11}, or before the period of 30 days referred to in paragraph (3A)(a),] has elapsed, the authority will be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps to protect the notice and, if need be, replace it.

(7) Where the local planning authority maintain a website for the purpose of publicising applications for planning permission [^{F12}other than EIA applications] the following information must be published on the website—

- (a) the address or location of the proposed development;
- (b) a description of the proposed development;
- (c) the date by which any representations about the application must be made, which must not be before the last day of the period of 14 days beginning with the date on which the information is published;
- (d) where and when the application may be inspected; ^{F13}...
- (e) how representations may be made about the application [^{F14}; and
- (f) that, in the case of a householder application or a minor commercial application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Welsh Ministers and there will be no opportunity to make further representations.]

[^{F15}(7A) The local planning authority must ensure it maintains a website for the purpose of publicising EIA applications and the following information must be published on the website—

- (a) the address or location of the proposed development;
- (b) a description of the proposed development;
- (c) the fact that the development is subject to an environmental impact assessment procedure;
- (d) the environmental statement, any relevant scoping opinion or scoping direction and any further information or any other information;
- (e) in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998, the main reports and advice issued to the authority at the time the information is published (if any);
- (f) in accordance with the Environmental Information Regulations 2004, information other than that required under any other sub-paragraph which is relevant to the decision and which only becomes available after the time the information required by this paragraph was first published;

- (g) where, when and the means by which the application and the environmental statement may be inspected;
- (h) how copies of the environmental statement may be obtained and the cost of such copies;
- (i) the date by which any representations about the application must be made, which must not be before the last day of the period of 30 days beginning with the last date on which the environmental statement is published either on the website, in accordance with paragraph (3A) or in accordance with regulation 19 of the EIA Regulations;
- (j) other details of the arrangements for public participation in the decision-making procedure including a description of the procedure for the publication of any additional information subsequently submitted by the applicant;
- (k) how representations may be made about the application;
- (l) details of the person or body responsible for taking the decision;
- (m) that, in the case of a householder application or a minor commercial application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Welsh Ministers and there will be no opportunity to make further representations.]

(8) If the local planning authority have failed to satisfy the requirements of this article in respect of an application for planning permission at the time the application is referred to the Welsh Ministers under section 77 of the 1990 Act (reference of applications to Secretary of State) ^{M2} or any appeal to the Welsh Ministers is made under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) ^{M3}, this article will continue to apply as if such referral or appeal to the Welsh Ministers had not been made.

(9) Where paragraph (8) applies, when the local planning authority have satisfied the requirements of this article, they must inform the Welsh Ministers that they have done so.

(10) In this article—

“adjoining owner or occupier” (*“perchennog neu feddiannydd cyffiniol”*) means any owner or occupier of any land adjoining the land to which the application relates; and

“requisite notice” (*“hysbysiad gofynnol”*) means notice in the appropriate form set out in Schedule 3 or in a form substantially to the like effect.

(11) Paragraphs (1) to (6) apply to applications made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application) ^{M4} as if the references to a local planning authority were references to the Welsh Ministers.

Textual Amendments

- F1** Words in art. 12(2) 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(4)(a)** (with regs. 1(4), 55(2)(3), 63, 65)
- F2** Art. 12(2)(a) omitted (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(4)(b)** (with regs. 1(4), 55(2)(3), 63, 65)
- F3** Art. 12(3A) 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(4)(c)** (with regs. 1(4), 55(2)(3), 63, 65)
- F4** Words in art. 12(4) substituted (16.3.2016) by [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/59\)](#), arts. 1(2), **10(2)(a)** (with art. 15(3))

- F5** Words in art. 12(4) 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(4)(d)** (with regs. 1(4), 55(2)(3), 63, 65)
- F6** Art. 12(4A) inserted (16.3.2016) by The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59), arts. 1(2), **10(2)(b)** (with art. 15(3))
- F7** Words in art. 12(4A) 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(4)(e)** (with regs. 1(4), 55(2)(3), 63, 65)
- F8** Words in art. 12(5) substituted (16.3.2016) by The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59), arts. 1(2), **10(2)(c)** (with art. 15(3))
- F9** Words in art. 12(5) 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(4)(f)** (with regs. 1(4), 55(2)(3), 63, 65)
- F10** Word in art. 12(6) inserted (16.3.2016) by The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59), arts. 1(2), **10(2)(d)** (with art. 15(3))
- F11** Words in art. 12(6) 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(4)(g)** (with regs. 1(4), 55(2)(3), 63, 65)
- F12** Words in art. 12(7) 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(4)(h)** (with regs. 1(4), 55(2)(3), 63, 65)
- F13** Word in art. 12(7)(d) omitted (22.6.2015) by virtue of The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 (S.I. 2015/1330), arts. 1(1), **5(a)** (with art. 12)
- F14** Art. 12(7)(f) and word inserted (22.6.2015) by The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 (S.I. 2015/1330), arts. 1(1), **5(b)** (with art. 12)
- F15** Art. 12(7A) 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(4)(i)** (with regs. 1(4), 55(2)(3), 63, 65)

Modifications etc. (not altering text)

- C1** Art. 12 applied (with modifications) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567), regs. 1(2), **18(5)** (with regs. 1(4), 55(2)(3), 63, 65)

Marginal Citations

- M1** 1981 c. 69; *see* section 66. There are amendments to Part 3 which are not relevant to this Order.
- M2** Section 77 was amended by section 32 of, and paragraph 18 of Schedule 7 to, the [Planning and Compensation Act 1991 \(c. 34\)](#), and section 40(2)(d) of the 2004 Act.
- M3** Section 78 was amended by section 17(2) of the [Planning and Compensation Act 1991\(c. 34\)](#) and sections 40(2)(e) and 43(2) of the 2004 Act.
- M4** Section 293A was inserted by section 82(1) of the 2004 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Section 12.