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WELSH STATUTORY INSTRUMENTS

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**2020 No. 514 (W. 121)**

**TOWN AND COUNTRY PLANNING, WALES**

**The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020**

<i>Made</i>	- - - -	<i>15 May 2020</i>
<i>Laid before Senedd Cymru</i>		<i>18 May 2020</i>
<i>Coming into force</i>	- -	<i>19 May 2020</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 61Z(8) and (9), 62(11), 62R and 333(4B) of the Town and Country Planning Act 1990<sup>(1)</sup>, and in exercise of the powers conferred on the Secretary of State by sections 59, 62(1) and (2), 71(1), (2)(a) and (2A), and 333(7) of that Act<sup>(2)</sup> now exercisable by them<sup>(3)</sup> (as applied in the case of section 62(1) with modifications by the Developments of National Significance (Application of Enactments) (Wales) Order 2016<sup>(4)</sup>), make the following Order.

**Title and commencement**

1.—(1) The title of this Order is the Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020.

(2) This Order comes into force on 19 May 2020.

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- (1) 1990 c. 8. Section 61Z was inserted by section 17(2) of the Planning (Wales) Act 2015 (anaw 4) (“the 2015 Act”). Section 62(11) was inserted by section 17(3) of the 2015 Act (see also section 59(4) of the Town and Country Planning Act 1990 (“the 1990 Act”) (referred to in the next footnote) which provides a development order in relation to Wales means a development order made by the Welsh Ministers). Section 62R was inserted by section 25 of the 2015 Act. Section 333(4B) was substituted by section 55 of, and paragraph 6(3) of Schedule 7 to, the 2015 Act. There are other amendments which are not relevant to this instrument.
- (2) Section 59(2) was amended by section 1 of, and paragraph 4 of Schedule 1 to, the Growth and Infrastructure Act 2013 (c. 27) and by section 27 of, and paragraph 3 of Schedule 4 to, the 2015 Act. Section 59(4) was inserted by section 55 of, and paragraph 5 of Schedule 7 to, the 2015 Act. For the meaning of “prescribed” see section 71(4). Section 71 was amended by section 16(2) of the Planning and Compensation Act 1991 (c. 34). There are other amendments which are not relevant to this instrument.
- (3) The functions of the Secretary of State so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the 1990 Act. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (4) S.I. 2016/54 (W. 24).

### **Pre-application consultation: making information available**

2.—(1) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012<sup>(5)</sup> is amended as follows.

(2) After article 2F insert—

#### **“Coronavirus: temporary modifications of this Part**

2G.—(1) This Part applies with the modifications set out in this article where—

- (a) each of the notices that articles 2C(1)(a) and 2D(2) require an applicant to give in relation to a proposed application is given after the start of the emergency period, and
- (b) at least one of those notices is given before the end of the emergency period.

(2) In this article, “the emergency period” means the period—

- (a) beginning with 19 May 2020, and
- (b) ending with 18 September 2020.

(3) Article 2C(1) has effect as if—

- (a) in sub-paragraph (b), for “making the following information available for inspection at a location in the vicinity of the proposed development” there were substituted “making the following information available on a website”;
- (b) after sub-paragraph (b) there were inserted—

“and

- (c) sending hard copies of the documents referred to in sub-paragraph (b) to any person who requests them, where the request is made within the period of 28 days mentioned in that sub-paragraph.”

(4) Article 2C has effect as if after paragraph (3) there were inserted—

“(3A) If hard copies of any documents have been requested as mentioned in paragraph (1) (c), an application must not be submitted before the end of the period of 14 days beginning with the day on which the last document is sent in accordance with that paragraph.”

(5) Article 2C(5) has effect in relation to each notice given by the applicant under article 2C(1)(a) as if the reference to Schedule 1B were to Schedule 1D.

(6) Article 2D(5)(a) has effect in relation to each notice given by the applicant under article 2D(2) as if the reference to Schedule 1B were to Schedule 1D.

(7) Article 2F(2) has effect as if after sub-paragraph (c) there were inserted—

- “(ca) a declaration that the information referred to in sub-paragraph (b) of article 2C(1) was made available in accordance with that sub-paragraph;
- (cb) a statement setting out whether hard copies of any documents were requested as mentioned in sub-paragraph (c) of article 2C(1) and, if so, a declaration that the hard copies were sent in accordance with that sub-paragraph;”.

(3) After Schedule 1C insert Schedule 1D set out in the Schedule to this Order.

### **Period for community councils to make representations on applications**

3. In article 16 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, after paragraph (3) insert—

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(5) *S.I. 2012/801 (W. 110)*, amended by *S.I. 2016/59 (W. 29)* and *S.I. 2017/567 (W. 136)*; there are other amending instruments but none is relevant.

“(4) Where the council of a community are notified of an application during the emergency period, paragraphs (1) and (2)(c) have effect as if the references to 14 days were to 21 days.

(5) In paragraph (4), “the emergency period” has the meaning given by article 2G(2).”

**Developments of national significance: making applications**

4. In article 12 of the Developments of National Significance (Procedure) (Wales) Order 2016(6), after paragraph (6) insert—

“(6A) Paragraphs (5) and (6) do not apply to an application made during the period—

- (a) beginning with 19 May 2020, and
- (b) ending with 18 September 2020.”

15 May 2020

*Julie James*  
Minister for Housing and Local Government,  
one of the Welsh Ministers

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SCHEDULE

Article 2(3)

Pre-application notice for emergency period

“SCHEDULE 1D

Article 2G

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION: NOTICE TO BE GIVEN DURING EMERGENCY PERIOD

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

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION  
NOTICE UNDER ARTICLES 2C AND 2D AS MODIFIED BY ARTICLE 2G

(to be served on owners and/or occupiers of adjoining land and community consultees; and displayed by site notice on or near the location of the proposed development)

**Purpose of this notice:** this notice provides the opportunity to comment directly to the developer on a proposed development prior to the submission of a planning application to the local planning authority (“LPA”). Any subsequent planning application will be publicised by the relevant LPA; any comments provided in response to this notice will not prejudice your ability to make representations to the LPA on any related planning application. You should note that any comments submitted may be placed on the public file.

Proposed development at (a) .....

I give notice that (b) .....

is intending to apply for planning permission to (c): .....

You may inspect copies of:

- the proposed application;
- the plans; and
- other supporting documents

online at (d) .....

If you are unable to access the documents electronically you may request copies of this information by emailing (e)..... or by telephoning the applicant on (f).....

Anyone who wishes to make representations about this proposed development must write to the applicant/agent at (e) ..... or (g) .....  
by (h) .....

Signed: .....

Date: .....

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Insert:	
a)	address or location of the proposed development
b)	applicant's name
c)	description of the proposed development
d)	address of website
e)	email address of the applicant/agent
f)	telephone number of applicant/agent
g)	address of the applicant
h)	date giving a period of 28 days, beginning with the date of service and publication

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (“the 2012 Order”) and the Developments of National Significance (Procedure) (Wales) Order 2016 (“the 2016 Order”). It inserts provisions into those Orders which modify or disapply certain requirements in relation to the period starting on 19 May 2020 and ending on 18 September 2020.

Article 2 inserts a new article 2G into the 2012 Order. Article 2G modifies Part 1A of the 2012 Order, which makes provision about the consultation that must be carried out before making an application for planning permission for major development.

The new article 2G(3) modifies article 2C of the 2012 Order so that the requirement to make information associated with a proposed planning application available locally for inspection, is replaced with a requirement to make the documents available on a website and in hard copy on request. To reflect that, a modified form of the notice that must be placed on or near the land to which the proposed application relates and sent to owners and occupiers of adjoining land is provided. The same modified form of notice is to be used to notify community consultees under article 2D of the 2012 Order.

The new article 2G(4) modifies article 2C of the 2012 Order to provide that if hard copies of any documents have been requested, an application must not be submitted before the end of the period of 14 days beginning with the day on which the last document is sent.

The new article 2G(7) modifies article 2F of the 2012 Order to require a pre-application consultation report to include confirmation that the modified requirements to make information about the proposed application available on a website and to provide hard copies of such information where requested have been discharged. A statement confirming whether hard copies have been requested is also to be included.

Article 3 makes changes to article 16 of the 2012 Order to extend the time that community councils have to respond when notified of a planning application, from 14 days to 21 days.

Article 4 disapplies the requirement in article 12 of the 2016 Order for a person to deposit a hard copy of an application for planning permission for development of national significance with the

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Welsh Ministers and the Local Planning Authority when making the application using electronic communications.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on the Welsh Government website at [www.gov.wales](http://www.gov.wales).