
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) In the case of an application for planning permission for development which—

- (a) is an EIA application accompanied by an environmental statement;
- (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)(¹) 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.

(4) In the case of an application for planning permission which is not a paragraph (2) application, 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.

(5) In a case to which neither paragraph (2) nor paragraph (4) 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.

(1) 1981 c. 69; see section 66. There are amendments to Part 3 which are not relevant to this Order.

(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) or (5)(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 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; and
- (e) how representations may be made about the application.

(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)⁽²⁾ 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)⁽³⁾, 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)⁽⁴⁾ as if the references to a local planning authority were references to the Welsh Ministers.

(2) 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.

(3) 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.

(4) Section 293A was inserted by section 82(1) of the 2004 Act.