
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”) in relation to pre-application consultation and consultation before the grant of planning permission.

Article 2 amends the table in Schedule 4 to the 2012 Order (consultations before the grant of planning permission) to—

- (a) substitute the category of development at risk of flooding on which the Natural Resources Body for Wales are to be consulted (article 2(2)(a) and (3)(b));
- (b) add a category of development on which Fire and Rescue Authorities are to be consulted (article 2(2)(b) and (3)(a) and (c)).

Article 1(3) provides that where an application for planning permission is submitted before 25 April 2022 and the applicant is required to have consulted a Fire and Rescue Authority pursuant to article 2D of the 2021 Order but has not done so, the applicant is to be treated as if they have complied with the requirements of articles 2D and 2F of the 2012 Order in respect of the requirement to consult a relevant Fire and Rescue Authority.

Article 1(4) provides that the requirement for a local planning authority to consult a Fire and Rescue Authority will not apply in relation to an application for planning permission made before 25 April 2022.

Article 3 amends the table in Schedule 5 to the 2016 Order (duty to consult before grant of permission) to—

- (a) substitute the category of development at risk of flooding on which the Natural Resources Body for Wales are to be consulted (article 3(2)(a) and (3));
- (b) add a category of development on which Fire and Rescue Authorities are to be consulted (article 3(2)(b)).

Article 1(5) provides that article 3(2)(b) does not apply to:

- (a) proposed applications notified to the Welsh Ministers and local planning authorities in accordance with article 5 of the 2016 Order before 24 January 2022;
- (b) applications made to the Welsh Ministers under section 62D of the 1990 Act before 24 January 2022.

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 Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2021.