

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 Pre-application procedure

Section 17 – Requirement to carry out pre-application consultation

67. This section inserts section 61Z into the TCPA 1990.
68. The effect of the new section is that pre-application consultation must be carried out by those intending to apply for permission for development of a type specified in a development order made by the Welsh Ministers. The types of development that could be specified for the purposes of this provision include, for example, major development and developments of national significance. The proposed application must be publicised in a way that is expected to bring the proposal to the attention of owners and occupiers of premises in the vicinity of the development site. The Welsh Ministers may specify, by development order, other persons who must be consulted by the applicant about the proposed application.
69. The duty will not apply to urgent Crown development or any other cases that may be specified in a development order. Cases that could be specified in a development order for the purposes of this provision include, for example, applications for planning permission to develop land without compliance with conditions attached to previous planning permission and applications for minor material amendments to planning permission.
70. Under section 61Z the Welsh Ministers may make further provision in a development order about the consultation process, including the form and content of consultation documents; information and other materials that are to be provided to neighbours and specified consultees; and timescales. The Welsh Ministers may require consultees to respond to the consultation in a particular manner and within a particular time, and to report to the Welsh Ministers on their compliance with any such requirements.
71. **Section 17** also inserts subsections (9), (10) and (11) into section 62 of the TCPA 1990. These new subsections provide that the Welsh Ministers must provide in a development order for a consultation report to accompany a planning application where the applicant has been required to carry out pre-application consultation. The report must contain particulars of the pre-application consultation undertaken by the applicant, the responses received and how the responses have been taken into account by the applicant. A development order may make provision about the form and content of the consultation report.

Section 18 – Requirement to provide pre-application services

72. This section inserts sections 61Z1 and 61Z2 into the TCPA 1990.
73. Section 61Z1 gives the Welsh Ministers power to make regulations about the provision of pre-application services by local planning authorities or the Welsh Ministers. Pre-

*These notes refer to the Planning (Wales) Act 2015
(c.4) which received Royal Assent on 6 July 2015*

application services are intended to assist a person who is proposing to make a planning application. The regulations may set out when pre-application services are required to be provided; the nature of the services to be provided; and requirements for publishing information and documents relating to the provision of the services.

74. The nature of the services to be provided could include, for example, the provision of details of relevant planning policies and guidance or the views of planning officers on the merits of a proposal.
75. Section 61Z2 confers power on the Welsh Ministers to make regulations requiring local planning authorities and the Welsh Ministers to retain records of pre-application services and to publish information on the type of pre-application services provided.