



Planning (Wales) Act 2015

2015 anaw 4

PART 5

APPLICATIONS TO WELSH MINISTERS

Developments of national significance

20 Developments of national significance: secondary consents

In TCPA 1990, after section 62E (as inserted by section 19) insert—

“62F Developments of national significance: secondary consents

- (1) Subsections (2) to (5) apply where—
 - (a) an application (a “section 62D application”) is made to the Welsh Ministers under section 62D, and
 - (b) the Welsh Ministers consider that—
 - (i) a secondary consent is connected to the section 62D application, and
 - (ii) having regard to their functions in respect of that section 62D application, the decision on that consent should be made by them.
- (2) Where the decision in respect of the secondary consent would (but for this section) be made by a person other than the Welsh Ministers, it is to be made by the Welsh Ministers.
- (3) For this purpose—
 - (a) any application that is required to be made in respect of the secondary consent, and has not yet been made, is to be made to the Welsh Ministers instead of the person to whom it would otherwise be made, and

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- (b) if an application has already been made in respect of the secondary consent to a person other than the Welsh Ministers, it is to be referred to the Welsh Ministers instead of being dealt with by that person.
- (4) Subject to the following provisions of this Act, in a case where (but for this section) the secondary consent would have been dealt with by another person, the secondary consent is to be dealt with by the Welsh Ministers as though the Welsh Ministers were that person.
- (5) The decision of the Welsh Ministers on the secondary consent is final.
- (6) A secondary consent is connected to a section 62D application, for the purposes of this section, if the secondary consent—
 - (a) is required in order for the development to which the section 62D application relates to be carried out,
 - (b) would facilitate the carrying out of that development, or
 - (c) would facilitate any re-development or improvement, or the achievement of any other purpose, carried out on or in relation to land in connection with that development.

62G Developments of national significance: supplementary provision about secondary consents

- (1) The Welsh Ministers may give directions requiring the relevant person to do things in relation to a secondary consent in respect of which, by virtue of section 62F(2), a decision is to be made by the Welsh Ministers.
- (2) The relevant person is the person by whom (but for section 62F) the decision as to whether to grant the secondary consent would have been made.
- (3) The power to give directions under this section includes power to vary or revoke the directions.
- (4) Regulations made by the Welsh Ministers may make provision for regulating the manner in which a secondary consent, or an application for secondary consent, is to be dealt with by the Welsh Ministers under section 62F.
- (5) That provision may include provision—
 - (a) about consultation to be carried out by the Welsh Ministers before a secondary consent is granted or refused;
 - (b) requiring a person to provide a substantive response to any consultation carried out by virtue of the regulations (including about the requirements of a substantive response and the period within which it is to be provided).
- (6) Regulations made by the Welsh Ministers may provide for an applicable enactment or requirement—
 - (a) to apply, with or without modifications, in respect of a secondary consent within subsection (1), or an application for such a consent, or
 - (b) not to apply in respect of such a consent or application.
- (7) For this purpose an applicable enactment or requirement, in relation to a secondary consent within subsection (1), or an application for such a consent, is—

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- (a) any provision of or made under this Act, or of or made under any other enactment, in respect of consents of that kind;
- (b) any requirements imposed by or under this Act, or any other enactment, in respect of consents of that kind.

62H Developments of national significance: meaning of secondary consent

- (1) For the purposes of this Act, a “secondary consent” is—
- (a) a consent that is required under legislation, or is given under legislation, and that relates to, or is given in connection with, the development or use of land in Wales, or
 - (b) a notice that is required by legislation to be given in relation to, or in connection with, the development or use of land in Wales,
- and which, in either case, is of a description prescribed by regulations made by the Welsh Ministers.
- (2) A description of consent or notice may be prescribed under subsection (1) only if—
- (a) provision for that consent or notice would be within the legislative competence of the National Assembly for Wales, if the provision were contained in an Act of the National Assembly, and
 - (b) the consent or notice is one that legislation provides is to be given by a body exercising functions of a public nature (whether or not the body also exercises any other function).
- (3) For the purposes of subsection (1)—
- (a) references to a consent include references to a permit, certificate, licence or other authorisation;
 - (b) “legislation” means any of the following (whenever enacted or made)
 -
 - (i) an Act of Parliament;
 - (ii) a Measure or Act of the National Assembly for Wales;
 - (iii) subordinate legislation within the meaning of the Interpretation Act 1978 (including subordinate legislation made under an Act of Parliament or a Measure or Act of the National Assembly for Wales).”