



Heads of Planning
Local Planning Authorities in Wales

15 May 2020

Dear Colleagues

**CORONAVIRUS COVID 19 RESPONSE
AMENDMENTS TO PRE-APPLICATION CONSULTATION PROCEDURES,
DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND COMMUNITY AND TOWN
COUNCIL CONSULTATION**

This letter explains changes to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (“DMPWO”) and the Developments of National Significance (Procedure) (Wales) Order 2016 (“DNSPWO”) in response to the challenges presented by COVID-19.

The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 (“the Amendment Order”) is due to come into force at midnight on 19 May 2020.

Pre application consultation

The DMPWO requires developers to consult the public on their proposals in respect of major development before submitting a planning application. Article 2C(1)(b) of the DMPWO requires information about the proposed application to be available for inspection at a location in the vicinity of the proposed development for not less than 28 days.

As part of the measures introduced by the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 premises usually used to hold hard copies of information or provide public computer facilities have had to close. As a consequence, developers are unable to comply with the requirements of article 2C and therefore cannot submit their planning application.

The Amendment Order seeks to restart the pre-application consultation process, removing the barriers preventing successful completion, while introducing safeguards to ensure the revised process is as inclusive as possible.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The requirement in article 2C(1) to make information available for inspection at a location in the vicinity of the proposed development is temporarily replaced. Instead developers must make all the information available on a website and send hard copies of the documents to any person who requests it. If hard copies are requested, an application must not be submitted before the period of 14 days beginning with the day on which the last document is sent.

The requisite notice in Schedule 1D that contains the information that must contain in any notice placed on or near the land to which the proposed application relates and sent to owners and occupiers of adjoining land has also been amended to reflect these changes.

Where community consultation has been completed prior to local premises having closed, and all other consultation requirements have been complied with, the subsequent planning application can be submitted to the local planning authority.

Any community consultation underway when premises were required to close will not have fully complied with the requirement of article 2C(1). The community consultation will therefore have to start again. While we considered whether any previous consultation period could reduce subsequent requirements, the need to ensure wide participation in the design of schemes an alternative procedure which is clear to all has persuaded us that consultation should restart from the beginning. All requisite notices must be re-served and contain the updated information in Schedule 1D to enable the public to know where the relevant information can be viewed.

Article 2F of the DMPWO sets out what must be included in a pre-application consultation report, to be submitted with a planning application. This includes a declaration of the notice given about the consultation undertaken. The Amendment Order requires developers to declare that the prescribed information was made available on a website in accordance with the requirements, whether hard copies were requested and that such copies were supplied.

The revised consultation arrangements will continue to apply to pre-application community consultations where at least one of the notice requirements in articles 2C(1)(a) and 2D(2) is given before the end of the emergency period. The emergency period ends on 18 September.

Development of National Significance (DNS) Submission Requirements

As many government buildings are either closed or have reduced staff levels, there are difficulties in verifying compliance with article 12(5) of the DNSPWO. The Amendment Order therefore temporarily removes article 12(5) for applications made during the period beginning with 19 May 2020 and ending with 18 September 2020. If the DNS application has been submitted electronically, there is, therefore, no longer a requirement for a hard copy to be deposited with the Welsh Ministers and the local planning authority. This change is to enable applicants to fully comply with the submission requirements.

Community Council Consultation

Article 16 of the DMPWO gives community councils 14 days in which to make representations to the local planning authority on applications for which they are consulted (30 days in the case of an EIA application). The local planning authority is prevented from determining the application during this period.

The Amendment Order extends this period from 14 days to 21 days for notifications given during the emergency period, providing additional time to allow community councils to prepare a response in light of difficulties experienced in undertaking regular scheduled meetings due to COVID-19.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive style with a large initial 'J'.

Julie James AS/MS

Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government