



15 May 2020

Dear Stakeholders

CORONAVIRUS COVID 19 RESPONSE
AMENDMENTS TO PRE-APPLICATION CONSULTATION RELATING TO
APPLICATIONS FOR MAJOR DEVELOPMENT AND DEVELOPMENTS OF
NATIONAL SIGNIFICANCE

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 COVID-19 emergency has posed several challenges for the planning system. I wrote to local planning authorities on 27 March to provide initial advice regarding how the Welsh Government expected them to maintain services during the COVID-19 pandemic. This advice has been updated in a letter published on 29 April. Both letters are available to view on the Welsh Government website <https://gov.wales/coronavirus-covid-19-updated-guidance-planning-authorities>.

Planning applications for major development

As outlined in these letters, issues were identified with the operation of the statutory pre-application consultation procedure, in particular the effect that the closure of all non-essential public buildings has had on the ability to comply with publicity requirements.

In response, The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 (“the Amendment Order”) has been made to enable the pre-application consultation process to take place and the subsequent submission of planning applications for major development. The amendment Order is due to come into force at midnight on 19 May 2020.

The requirement to make information available for inspection at a location in the vicinity of the proposed development is removed in relation to a temporary period. Developers must instead host all information online, with the web address clearly visible on the site notice (and on all direct neighbour notification letters if different from the site notice). The Amendment Order also requires developers to provide a contact telephone number. This will enable those without internet access to discuss the proposed development directly and request a hard copy of the documents to be sent to them. 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 requirement to provide information in hard copy has been introduced as a mitigation measure to ensure those without internet access are not disadvantaged by removing the requirement to make information available for inspection locally. When preparing material for consultation developers are advised to consider how the need for hard copies can best be accommodated from the outset.

Where community consultation has been completed prior to the 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.

Site Notices

In respect of site notices, following detailed consideration, the requirement for the display of site notices will remain. This is consistent with the publicity of planning applications for which the requirement to display a site notice remains. As set out in

my updated guidance to LPAs, the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (“Coronavirus Regulations”) prevent people leaving where they live without reasonable excuse. One of the reasonable excuses is the need to travel for the purposes of work where it is not reasonably practicable for that person to work from where they are living. **The display of a site notice is an activity that cannot be undertaken from home so is a reasonable excuse for the purpose of the Coronavirus Regulations.** The Coronavirus Regulations are intended to create social distancing. The Welsh Government is content that in most circumstances, the displaying of a site notice can be undertaken whilst respecting social distancing.

I also expect developers and agents to expand use of social media and other online services during this time to widen public engagement with the consultation process.

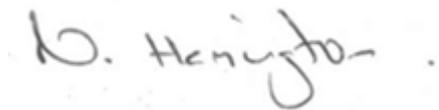
Developments of National Significance

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.

Cooperation and goodwill from all stakeholders will be required to ensure a functioning planning service can be maintained at this time and to safeguard the planning system so it is able to play a key role in the economic recovery process post-COVID-19.

If you have any questions or wish to bring anything to the attention of the Welsh Government, please email me at prifswyddogcynllunio@gov.wales.

Yours faithfully,



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