
WELSH STATUTORY INSTRUMENTS

2012 No. 801

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

PART 3

Consultation

Consultations before the grant of permission

14.—(1) Before granting planning permission for development which, in their opinion, falls within a category set out in the Table in Schedule 4, a local planning authority must consult the authority, body or person mentioned in relation to that category, except where—

- (a) the local planning authority are the authority, body or person so mentioned; or
- (b) the authority, body or person so mentioned has advised the local planning authority that they do not wish to be consulted.

(2) The exception in paragraph (1)(b) does not apply where, in the opinion of the local planning authority, development falls within paragraph (x) of the Table in Schedule 4.

(3) The Welsh Ministers may give directions to a local planning authority requiring that authority to consult any person or body named in the directions, in any case or class of case specified in the directions.

(4) Where, by or under this article, a local planning authority are required to consult any person or body (“the consultee”) before granting planning permission—

- (a) they must, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
- (b) they must not determine the application until at least 14 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.

(5) The local planning authority must in determining the application take into account any representations received from a consultee.

Consultations before the grant of planning permission: urgent Crown development

15.—(1) This article applies in relation to applications made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application).

(2) Before granting planning permission for development which in the opinion of the Welsh Ministers, falls within a category set out in the Table in Schedule 4, the Welsh Ministers must consult the authority, body or person mentioned in relation to that category, except where—

- (a) the Welsh Ministers are required to consult the authority so mentioned under section 293A(9)(a) of the 1990 Act;

- (b) the authority, body or person so mentioned has advised the Welsh Ministers that they do not wish to be consulted; or
 - (c) the development is subject to any standing advice provided by the authority, body or person so mentioned to the Welsh Ministers in relation to the category of development.
- (3) The exception in paragraph (2)(b) does not apply where in the opinion of the Welsh Ministers, development falls within paragraph (x) of the Table in Schedule 4.
- (4) The exception in paragraph (2)(c) does not apply where—
- (a) the development is an EIA development; or
 - (b) the standing advice was issued more than 2 years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority, body or person within that period.
- (5) Where, by or under this article, the Welsh Ministers are required to consult any person or body (“the consultee”) before granting planning permission—
- (a) the Welsh Ministers must, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
 - (b) the Welsh Ministers must not determine the application until at least 14 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.
- (6) The Welsh Ministers must in determining the application, take into account any representations received from a consultee.

Representations by community councils before determination of applications

16.—(1) Where the council of a community are given information in relation to an application pursuant to paragraph 2(1) of Schedule 1A to the 1990 Act (distribution of local planning authority functions: Wales)(**1**), they must, as soon as practicable, notify the local planning authority who are determining the application whether they propose to make any representations about the manner in which the application should be determined, and must make any representations to that authority within 14 days of the notification to them of the application.

(2) A local planning authority must not determine any application in respect of which a community are required to be given information before—

- (a) the council of the community inform them that they do not propose to make any representations;
- (b) representations are made by that council; or
- (c) the period of 14 days mentioned in paragraph (1) has elapsed,

whichever occurs first; and in determining the application the authority must take into account any representations received from the council of the community.

(3) The local planning authority must notify the council of the community of the terms of the decision on any such application or, where the application is referred to the Welsh Ministers, of the date when it was so referred and, when notified to them, of the terms of the Welsh Ministers' decision.

Notification of mineral applications

17.—(1) Where notice has been given for the purposes of this article to a local planning authority as respects land which is in their area and specified in the notice—

- (a) by the Coal Authority that the land contains coal;

(1) 1990 c. 8. Schedule 1A was inserted by the Local Government (Wales) Act 1994 (c. 19).

- (b) by the Secretary of State for Energy and Climate Change that it contains gas or oil; or
- (c) by the Crown Estates Commissioners that it contains silver or gold,

the local planning authority must not determine any application for planning permission to win and work any mineral on that land, without first notifying the body or person who gave the notice that an application has been made.

(2) In this article, “coal” (“*glo*”) means coal other than that—

- (a) won or worked during the course of operations which are carried on exclusively for the purpose of exploring for coal; or
- (b) which it is necessary to dig or carry away in the course of activities carried on for purposes which do not include the getting of coal or any product of coal.