

SL(5)701 – The Planning Applications (Temporary Modifications and Disapplication) (No. 3) (Wales) (Coronavirus) Order 2020

Background and Purpose

This Order amends the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (“the 2012 Order”) and the Developments of National Significance (Procedure) (Wales) Order 2016 (“the 2016 Order”). It amends provisions in those Orders to extend the period during which certain requirements are modified or disapplied.

Article 2 amends article 2G(2)(b) of the 2012 Order to extend the emergency period during which the publicity and notice requirements for pre-application consultation are modified. It also extends the emergency period for the purpose of the time which community councils have to make representations on applications notified to them. The emergency period ends on 8 October 2021.

Article 3 amends article 12(6A)(b) of the 2016 Order to extend the period during which hard copies of applications for developments of national significance are not required. That period ends on 8 October 2021.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

The Welsh Government has not undertaken a consultation on these proposals. Paragraph 5.1 of the Welsh Government’s Explanatory Memorandum states as follows:

5.1 The Welsh Government has not undertaken a consultation on these proposals due to the limited time before the order needed to be made in anticipation of maintaining the temporary arrangements without a break.



5.2 The amendment is required immediately to extend mitigation measures put in place to manage the effects of COVID-19 restrictions on travel and the opening of premises on specific parts of the planning system. The amendment will enable planning applications to continue to be submitted by developers, avoiding an increasing backlog of cases, and enabling implementation of consents as COVID-19 restrictions ease.

5.3 A public consultation will be published shortly in respect of a long-term solution.

However, The Welsh Government has laid a detailed Explanatory Memorandum, and a Regulatory Impact Assessment has been prepared in respect of this Order. A public consultation is due to be published shortly, as noted in paragraph 5.3 of the Explanatory Memorandum (see above).

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 18 January 2021 and reports to the Senedd in line with the reporting points above.

