
SUBORDINATE
LEGISLATION

THE TOWN AND COUNTRY
PLANNING (MAJOR
RESIDENTIAL DEVELOPMENT)
(NOTIFICATION) (WALES)
DIRECTION 2020

WG20-001

The Welsh Ministers, in exercise of the powers conferred by articles 18(1), 20, 22(5) and 31 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012⁽¹⁾, give the following Direction.

Commencement

1. This Direction comes into force on 15 January 2020.

Interpretation

2. In this Direction—

“electronic communication” (*“cyfathrebiad electronig”*) has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation)⁽²⁾

“major residential development” (*“datblygiad preswyl mawr”*) means development which—

- (a) includes 10 or more dwellings; or
- (b) is residential development on a site having an area of 0.5 hectares or more; and
- (c) does not accord with the provisions of the development plan in force in the area where the application site is situated.

Application

3. This Direction applies to any application for planning permission —

(1) S.I. 2012/801 (W. 110).

(2) 2000 c. 7. Section 15(1) was amended by section 406(1) of and paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

- (a) relating to land in Wales;
- (b) made on or after 15 January 2020;
- (c) for development which is major residential development;
- (d) which the local planning authority does not propose to refuse.

Notification to the Welsh Ministers

4. Where a local planning authority do not propose to refuse an application for major residential development, the authority must notify the Welsh Ministers.

5. Where a local planning authority is required to notify the Welsh Ministers, they must as soon as practicable send to the Welsh Ministers by means of electronic communication or otherwise—

- (a) a copy of the application (including copies of any accompanying plans and drawings and any appropriate flood risk or other assessment) and supporting information;
- (b) a copy of the requisite notice;
- (c) a copy of any representations made to the authority in respect of the application (including any views expressed by a government department, another local planning authority or other consultee);
- (d) a copy of any report on the application prepared by an officer of the authority;
- (e) a copy of any screening opinion issued under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017⁽¹⁾;
- (f) a copy of any appropriate assessments carried out under the Conservation of Habitats and Species Regulations 2010⁽²⁾;
- (g) a statement of the material considerations which the authority consider indicate (if such be the case) that an application for major residential development should be determined otherwise than in accordance with the local development plan adopted or approved in relation to the area where the application site is situated.

(1) S.I. 2017/567 (W. 136), to which there are amendments.

(2) S.I. 2010/490, to which there are amendments.

Relevant period before granting permission on a departure application

6. Subject to paragraph 7, where a local planning authority is required to notify the Welsh Ministers, the authority must not grant planning permission on the application until the expiry of the period of 21 days beginning with the date which the Welsh Ministers tell the authority in writing is the date upon which they received the information specified in paragraph 5.

7. The local planning authority may proceed to determine the application, if before the expiry of the period referred to in paragraph 6, the Welsh Ministers notify the authority that—

- (a) the Welsh Ministers do not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application; or
- (b) the Welsh Ministers do not consider the development to be notification development.

Amendments to The Town and Country Planning (Notification) (Wales) Direction 2012

8. The Town and Country Planning (Notification) (Wales) Direction 2012 is amended as follows—

- (a) in paragraph 2 (Interpretation)—
 - (i) in the definition of “notification development” omit paragraph (b); and
 - (ii) omit the definition of “significant residential development”.
- (b) In paragraph 5 (Notification to the Welsh Ministers) omit reference to “significant residential development” in subparagraph (g).



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the Welsh Ministers
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