

SL(6)609 – The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025

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”) (referred to collectively as the “Procedure Orders”) in relation to pre-application consultation and consultation before the grant of planning permission.

The Procedure Orders place a statutory requirement on key bodies to be consulted at the pre-application and post-submission consultation stages of the consenting processes for planning applications and applications for Developments of National Significance (DNS). This Order amends these Procedure Orders in order to update the criteria by which Natural Resources Wales is consulted on matters of flood risk.

The Explanatory Memorandum to the Order explains (at paragraph 1.3) that these amendments are required as a result of a decision to replace the flood map for planning purposes (the “Development Advice Map”) with a new map titled the Flood Map for Planning. With the Development Advice Map being discontinued for planning purposes once the new mapping comes into effect, *“it is necessary to amend the [Procedure Orders] to align the requirements to consult with NRW on developments in areas of flood risk with the flood zones set out in the Flood Map for Planning.”*

Procedure

Negative.

The Order was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

The Order uses different names for the body known as Natural Resources Wales. Articles 2(2) and 3(2) refer to the body as “the Natural Resources Body for Wales”, whereas articles 2(3) and 3(3) refer to “Natural Resources Wales”.



The Explanatory Note (the “EN”) also refers to “the Natural Resources Body for Wales” on two occasions, although it is noted that the EN does not form part of the Order.

It is noted that both the 2012 Order and the 2016 Order use “the Natural Resources Body for Wales” throughout. However, as a result of the Order, the same body will be referred to by different names in both the 2012 Order and the 2016 Order. This is inconsistent and has the potential to cause confusion.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

Technical Scrutiny point 1: The Welsh Government notes the point that both “the Natural Resources Body for Wales” and “Natural Resources Wales” have been used in the Order. Whilst the Welsh Government do not believe the drafting will lead to confusion for the reader, it is agreed it would have been preferable for the drafting to be consistent. This will be addressed in the next suitable legislative vehicle before the end of the year.

Committee Consideration

The Committee considered the instrument and Welsh Government response at its meeting on 28 April 2025 and reports to the Senedd in line with the reporting point above.

