
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2025 No. 400 (W. 80)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Development Procedure
(Consultees) (Wales)
(Miscellaneous Amendments)
Order 2025**

EXPLANATORY NOTE

(This note is not part of the Order)

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”) in relation to pre-application consultation and consultation before the grant of planning permission.

Article 2 amends the table in Schedule 4 to the 2012 Order (consultations before the grant of planning permission) to substitute the category of development at risk of flooding on which the Natural Resources Body for Wales are to be consulted (article 2(2) and (3)).

Article 3 amends the table in Schedule 5 to the 2016 Order (duty to consult before grant of planning permission) to substitute the category of development at risk of flooding on which the Natural Resources Body for Wales are to be consulted (article 3(2) and (3)).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2025 No. 400 (W. 80)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Development Procedure
(Consultees) (Wales)
(Miscellaneous Amendments)
Order 2025**

Made 26 March 2025

Laid before Senedd Cymru 31 March 2025

Coming into force 21 April 2025

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 59(1), (2)(b) and (3)(a) and 74(1)(c) of the Town and Country Planning Act 1990⁽¹⁾ and now exercisable by them⁽²⁾, and in exercise of the powers conferred on them by sections 61Z(8) and (9), 62R and 333(5B) of that Act⁽³⁾, make the following Order.

-
- (1) 1990 c. 8 (“the 1990 Act”). Section 59 was amended by section 27 of, and paragraphs 1 and 3 of Schedule 4 to, and section 55 of, and paragraph 5 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4) (“the 2015 Act”) and by section 1(2) of, and paragraphs 1 and 4 of Schedule 1 to, the Growth and Infrastructure Act 2013 (c. 27). There are amendments to section 74 which are not relevant to this instrument.
- (2) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the 1990 Act as substituted by S.I. 2000/253. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). See also section 59(4) of the 1990 Act which provides that a development order in relation to Wales means a development order made by the Welsh Ministers.
- (3) Section 61Z was inserted by section 17(1) and (2) of the 2015 Act. Section 333(5B) was inserted by section 55 of, and paragraph 6(5) of Schedule 7 to the 2015 Act.

Title, coming into force and interpretation

1.—(1) The title of this Order is the Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025.

(2) It comes into force on 21 April 2025.

(3) In this Order—

“the 2012 Order” (“*Gorchymyn 2012*”) means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012⁽¹⁾;

“the 2016 Order” (“*Gorchymyn 2016*”) means the Developments of National Significance (Procedure) (Wales) Order 2016⁽²⁾.

Amendment of the 2012 Order

2.—(1) Schedule 4 to the 2012 Order is amended as follows.

(2) In the table, for row (x) substitute—

“(x)”	Development –	The Natural Resources Body for Wales”
	(i) On land within Rivers and Sea – Flood Zone 2;	
	(ii) On land within Rivers and Sea – Flood Zone 3;	
	(iii) On land within TAN 15 Defended Zones.	

(3) Under the heading “Interpretation of Table”, for paragraph (n) substitute—

“(n) in paragraph (x)–

“Rivers and Sea – Flood Zone 2” (“*Afonydd a’r Môr – Parth Llifogydd 2*”) means an area with less than a 1 in 100 chance of flooding from rivers and less than 1 in 200 chance of flooding from the sea but greater than 1 in 1000 chance of flooding from rivers and the sea in a given year, including climate change;

“Rivers and Sea – Flood Zone 3” (“*Afonydd a’r Môr – Parth Llifogydd 3*”) means an area with a greater than 1 in 100 chance of flooding from rivers in a given year, including climate change,

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

(2) S.I. 2016/55 (W. 25).

and a greater than 1 in 200 chance of flooding from the sea in a given year, including climate change;

“TAN 15 Defended Zones” (*“Parthau Amdiffynedig TAN 15”*) means areas where flood risk management infrastructure provides a minimum standard of protection against flooding of 1 in 100 from rivers and 1 in 200 from the sea (plus climate change and freeboard) as set out in the Flood Map for Planning published by Natural Resources Wales⁽¹⁾”.

Amendment of the 2016 Order

3.—(1) Schedule 5 to the 2016 Order is amended as follows.

(2) In the table, for row (u) substitute—

“(u)”	Development –	The Natural Resources Body for Wales”
(i)	On land within Rivers and Sea – Flood Zone 2;	
(ii)	On land within Rivers and Sea – Flood Zone 3;	
(iii)	On land within TAN 15 Defended Zones.	

(3) Under the heading “Interpretation of Table”, for paragraph (j) substitute—

“in paragraph (u)—

- (i) “Rivers and Sea – Flood Zone 2” (*“Afonydd a’r Môr – Parth Llifogydd 2”*) means an area with less than 1 in 100 chance of flooding from rivers and less than 1 in 200 chance of flooding from the sea but greater than 1 in 1000 chance of flooding from rivers and the sea in a given year, including climate change;
- (ii) “Rivers and Sea – Flood Zone 3” (*“Afonydd a’r Môr – Parth Llifogydd 3”*) means an area with a greater than 1 in 100 chance of flooding from rivers in a given year, including climate change, and a greater than 1 in 200 chance of flooding

(1) <https://flood-map-for-planning.naturalresources.wales>

from the sea in a given year, including climate change;

- (iii) “TAN 15 Defended Zones” (*“Parthau Amddiffynedig TAN 15”*) means areas where flood risk management infrastructure provides a minimum standard of protection against flooding of 1 in 100 from rivers and 1 in 200 from the sea (plus climate change and freeboard) as set out in the Flood Map for Planning published by Natural Resources Wales”.

Rebecca Evans

Cabinet Secretary for Economy, Energy and Planning,
one of the Welsh Ministers

26 March 2025