

Julie James AS/MS  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



Llywodraeth Cymru  
Welsh Government

Mick Antoniw MS  
Chair of Legislation, Justice and Constitution Committee  
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10 December 2020

Dear Mick

Thank you for your letter of 5 October on behalf of the Legislation, Justice and Constitution Committee regarding The Planning Applications (Temporary Modifications and Disapplication) (No. 2) (Wales) (Coronavirus) Order 2020 (“the Order”) which were laid in breach of the 21 day convention. You requested further clarification as to why a breach of the 21 day rule was necessary on this occasion.

The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 (“the first 2020 Order”) introduced temporary amendments to pre-application consultation procedures, Development of National Significant (DNS) submission requirements and Community Council consultation. The first 2020 Order prescribed an emergency period beginning with 19 May and ending with 18 September during which the temporary amendments would be in effect.

Following the laying of the first 2020 Order, restrictions introduced to manage the COVID-19 emergency began to be relaxed. This included increased freedom of movement of people and the reopening of public buildings. It was anticipated that by the summer months public buildings, and libraries in particular, would be widely accessible following successful phased openings across the country. Despite allowing the maximum time possible for local authorities to reopen public buildings, by the end of August it became apparent that local authorities were at different stages of preparedness and as such, a consistent approach to pre-application consultation across Wales could not be achieved if the emergency period were to lapse on 18 September.

We wanted a consistent approach to assist developers working across local authority boundaries, and help development proposals come forward at a time when creating momentum in economic development has been important. We have sought equal opportunities to engage in planning decisions. In order to ensure a consistent approach for developers and residents in Wales, we sought to renew the first 2020 Order and ensure there was no break in the emergency period.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

As the time remaining before the expiration of the emergency period prescribed in the first 2020 Order was limited, in order to provide continuity, this regrettably meant breaching the 21 day convention.

Given the current situation regarding COVID-19, a further extension to the emergency period will be required and this work is in progress. I can assure the committee that this future Order will comply with the 21 day convention while ensuring the continuity of the temporary procedures. I have asked my Officials to advise on a long-term, permanent solution to address this issue. A consultation will be published in due course.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AS/MS**  
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Minister for Housing and Local Government