

Jeremy Miles MS, Counsel General

Rebecca Evans MS, Minister for Finance and Trefnydd

Julie James MS, Minister for Housing and Local Government

5 October 2020

Dear all

**Breaches of the 21 day rule and The Planning Applications (Temporary Modifications and Disapplication) (No. 2) (Wales) (Coronavirus) Order 2020**

At our meeting on 28 September 2020, we considered The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 9) Regulations 2020, The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 10) Regulations 2020, The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 11) Regulations 2020 and The Planning Applications (Temporary Modifications and Disapplication) (No. 2) (Wales) (Coronavirus) Order 2020.

Our subsequent reports noted that the instruments were laid in **breach of the 21 day rule**, and the reasons for doing so as set out in the Minister for Finance and Trefnydd's respective letters to the Llywydd.

We have acknowledged that responding to the Covid-19 pandemic may be a valid reason for breaching the 21 day rule. However, we have doubts as to whether such a breach was necessary with The Planning Applications (Temporary Modifications and Disapplication) (No. 2) (Wales) (Coronavirus) Order 2020. We consider that, given the context for the provisions within the Regulations has changed little in recent months, their need could have been anticipated and accordingly, that it should have been possible to allow 21 days to elapse before they came into force. We would therefore welcome further clarification as to why you consider that a breach of the 21 day rule was necessary on this occasion.



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I am copying this letter to the Chair of the Climate Change, Environment and Rural Affairs Committee due to the significance of these Regulations in relation to planning matters.

Yours sincerely

**Mick Antoniw MS**  
**Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg  
We welcome correspondence in Welsh or English

