

SL(6)330 – The Town and Country Planning (North Wales Border Control Post) (EU Exit) Special Development Order 2023

Background and Purpose

Sections 59 and 60 of the Town and Country Planning Act 1990 give the Welsh Ministers the power to make a special development order that grants planning permission for a development specified within the Order.

This special development Order grants planning permission (subject to conditions) for the construction and operation of an inland border control post for the Port of Holyhead and additional parking for up to 60 heavy goods vehicles (“HGVs”) at Plot 9, Parc Cybi, Holyhead.

The Order sets limits on the extent and physical form of border control facilities and HGV parking that can be provided by the Welsh Government and border departments on the site. It also requires the construction and operation of mitigation measures.

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(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts

There is an inconsistent cross-reference between the English and Welsh texts in paragraph 31(3) of the Schedule. The English text refers to paragraph 17(2) but the Welsh text refers to paragraph 16(2). It appears that the English version is accurate based on the context of the relevant provisions (noise mitigation measures).

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument:



2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

It is noted that this type of order – where the Welsh Ministers act as a planning authority and directly grant planning permission for a specific development, rather than leaving this to the local authority – is rare. This appears to be the first occasion on which the Welsh Ministers have exercised the power in section 59 of the Town and Country Planning Act 1990 in this way.

It is also noted that the usual consultation requirements around applications for planning permission are not engaged in respect of permission granted by such an order. According to paragraph 5.1 of the Explanatory Memorandum, *“Consultation was undertaken commensurate to what would have been undertaken for a planning application”*.

Welsh Government response

A Welsh Government response is required in relation to point one.

Committee Consideration

The Committee considered the instrument at its meeting on 20 March 2023 and reports to the Senedd in line with the reporting points above.

