

01/07/2025

Dear

**ATISN 24784**

Thank you for your request which I received on 3 June 2025. You asked for the following information:

1. a copy of the generic **guidance** provided by PEDW to applicants regarding the requirement to serve Article 16 legal notice on affected landowners with Certificate to PEDW under Article 17.
2. **details** of PEDW validation process to ensure that correct legal notice has been served on affected landowners.

**Copy of the guidance provided by PEDW to applicants regarding the requirements to serve Article 16 and Certificate to PEDW under Article 17**

**Our response:** PEDW's guidance is available on [www.gov.wales](http://www.gov.wales) – see [Developments of national significance \(DNS\): procedural guidance \[HTML\] | GOV.WALES](#). A pdf copy is also provided for your convenience.

For additional context, within the section headed “Submission and acceptance checking”, a subsection summarises the actions for the applicants at the time of submission:

- full hard copy of application and full electronic copy submitted to PEDW
- full hard copy and electronic copy submitted to each relevant LPA
- pay initial fee to PEDW
- pay to PEDW a LIR fee for each relevant LPA
- notify any other owners or agricultural tenants of the site that the application has been submitted
- write to PEDW to confirm that each relevant LPA has been sent a copy of the application

Bullet point 5 is there to ensure that Applicants satisfy the duty posed on them by Article 16 of the Development of National Significance (Procedure) (Wales) Order 2016 (as amended) [‘the DNS Procedure Order’].

By completing the relevant section of Part 10 of the DNS Planning Application Form (available here: [Application for permission for a development of national significance](#)), the Applicants satisfy their duty under Article 17 of the DNS Procedure Order. This section of the form is normally referred to as the Site Ownership Certificate.

**Details of PEDW validation process to ensure that correct legal notice has been served on affected landowners.**

**Our response:** The Welsh Government does not hold any such information.

For context, there is no duty in legislation for PEDW to ensure that correct legal notice has been served on affected landowners. Section 65 of the Town and Country Planning Act 1990 (as amended) [‘TCPA 1990’] sets the requirement to serve notice of a planning application on

relevant parties and provides that further details can be set out in a Procedure Order. Article 17 of the DNS Procedure Order is clear that the Applicant must certify in a form published by the Welsh Minister that the requirements of Article 16 have been satisfied.

Hence, during validation of an application, caseworkers only check that a Site Ownership Certificate from Part 10 of the application form has been completed.

Development of National Significance are planning applications under the terms of the TCPA 1990, and like other planning consenting processes for which the TCPA 1990 is the legislative framework, Applicants need to satisfy themselves that they had served the notice to the correct landowners and tenants. By not doing so, it is at the Applicant's own risk. The risk, of course, is to obtain a planning permission that cannot be implemented, or which could be subject to legal challenge. In accordance with Section 65(6) of the TCPA 1990, knowingly falsifying a Site Ownership Certificate could be an offence. However, this would be a matter for the Courts.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

or e-mail: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 0303 123 1113  
Website: [www.ico.org.uk](http://www.ico.org.uk)

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely