

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2006 No. (W.)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(General Development Procedure)
(Amendment) (Wales) Order 2006**

EXPLANATORY NOTE

(This note is not part of the Order)

The Town and Country Planning (General Development Procedure) Order 1995 (S.I.1995/419) (“the 1995 Order”) specifies the procedures connected with planning applications, appeals to the National Assembly for Wales and related matters so far as these are not laid down in the Town and Country Planning Act 1990 or related legislation.

This Order inserts article 4D into the 1995 Order. The new article 4D applies in relation to Wales and makes provision for access statements which are required to accompany certain applications for planning permission.

STATUTORY INSTRUMENTS

2006 No. (W.)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(General Development Procedure)
(Amendment) (Wales) Order 2006**

Made

2006

Coming into force

30 June 2007

The National Assembly for Wales (“the National Assembly”), in exercise of the powers conferred upon the Secretary of State by sections 59, 61(1), 62 and 69 of the Town and Country Planning Act 1990⁽¹⁾ (“the 1990 Act”) and which are now exercisable by the National Assembly⁽²⁾ makes the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2006.

(2) This Order comes into force on 30 June 2007.

(3) This Order applies in relation to Wales.

**Amendment of the Town and Country Planning
(General Development Procedure) Order 1995**

2. The Town and Country Planning (General Development Procedure) Order 1995⁽³⁾ is amended in accordance with article 3 of this Order.

⁽¹⁾ 1990 c.8. Section 62 was substituted by the Planning and Compulsory Purchase Act 2004 (c.5), section 42(1). *See* section 336(1) of the Town and Country Planning Act 1990 for the definition of “prescribed”.

⁽²⁾ The relevant functions of the Secretary of State under the 1990 Act were, in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). *See* the entry for the 1990 Act in Schedule 1 to that Order, as varied by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) (W.5) and section 118(3) of the 2004 Act.

⁽³⁾ S.I. 1995/419. Relevant amendments were made by S.I. 1997/2971 and 2004/3156 (W.273).

Amendments relating to access statements

3.—(1) After article 4C (design and access statements) insert—

“4D. Access statements:Wales

(1) This article applies to an application for planning permission which is not an application for planning permission for—

- (a) engineering or mineral operations;
- (b) development of an existing dwelling-house, or development within the curtilage of such a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such, where no part of that dwelling-house or its curtilage is within a designated area; or
- (c) a material change in the use of land or buildings.

(2) An application for planning permission to which this article applies must be accompanied by a statement (“an access statement”) explaining how issues relating to access to the development have been dealt with.

(3) An access statement must explain—

- (a) the policy or approach adopted as to access and how policies relating to access in the development plan⁽¹⁾ have been taken into account;
- (b) how any specific issues which might affect access to the development have been addressed; and
- (c) how features which ensure access to the development will be maintained.

(4) In this article—

“designated area” means—

- (a) a National Park⁽²⁾;
- (b) land to which section 28(1) (areas of special scientific interest) of the Wildlife and Countryside Act 1981⁽³⁾ applies;
- (c) a conservation area;

⁽¹⁾ See section 38(4) of the Planning and Compulsory Purchase Act 2004 (c.5) for the meaning of “development plan” and the transitional provisions and savings in article 3 of the Planning and Compulsory Purchase Act 2004 (Commencement No 6, Transitional Provisions and Savings) Order 2005 (S.I. 2005/2847) (C.118).

⁽²⁾ See section 114 of the National Parks and Access to the Countryside Act 1949 (c.97).

⁽³⁾ 1981 c.67. Section 28 was substituted by the Countryside and Rights of Way Act 2000 (c.37), section 75(1) and paragraph 1 of Schedule 9.

(d) an area of outstanding natural beauty designated under section 82 (designation of areas) of the Countryside and Rights of Way Act 2000⁽¹⁾;

(e) a World Heritage Site⁽²⁾.”.

(2) In paragraph (4)(a) of article 25 (register of applications), after “thereto” insert “and of any accompanying access statement provided in accordance with article 4D”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽³⁾

Date

The Presiding Officer of the National Assembly

⁽¹⁾ 2000 c.37.

⁽²⁾ *See* the Convention Concerning the Protection of the World Cultural and Natural Heritage adopted by the general conference of UNESCO at its seventeenth session in Paris, November 1992 and ratified by the United Kingdom Government in 1984.

⁽³⁾ 1998 c.38.