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Constitutional and Legislative Affairs Committee Report

Title: The Planning Permission (Withdrawal of Development Order or Local Development Order (Compensation) (Wales) Order 2012

Procedure: Affirmative

This draft Order amends Section 108 of the Town and Country Planning Act 1990 (“TCPA”) as it applies in Wales. The Welsh Government intends to commence sections 61A to 61D of the TCPA (inserted by sections 40 and 41 of the Planning and Compulsory Purchase Act 2004) to enable local planning authorities to introduce, after consultation, local development orders which would remove the requirement for planning permission for developments as specified in a local development order. Section 107 of the TCPA provides for compensation to be payable where planning permission granted by a local planning authority is subsequently revoked or modified. Section 108 of that Act extends the entitlement to compensation to circumstances where planning permission granted by a development order is withdrawn. This draft order extends the entitlement to compensation to certain circumstances where planning permission granted by a local development order is withdrawn and restricts in other circumstances the entitlement to compensation on withdrawal of planning permission granted by a development order or local development order. A further amendment confers power on the Welsh Ministers to prescribe certain matters in relation to the entitlement to compensation.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this draft instrument.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 (ii) in respect of this draft instrument – that it gives rise to issues of public policy likely to be of interest to the Assembly.

This draft order forms part of a suite of instruments. Paragraph 3.3 of the explanatory memorandum provides that:–

Further instruments subject to negative procedure will be made in due course and laid before the National Assembly for Wales

giving full effect to provisions relating to local development orders and in exercise of powers conferred by section 108 of the 1990 Act, as amended by this instrument.

Whilst this instrument only provides for compensation arrangements where planning permission granted by a local development order is withdrawn, local development orders are a new addition to the current development management system. A local development order is an order made by a local planning authority through which permitted development rights (i.e. reducing the need to seek planning permission), additional to those granted nationally by the Welsh Government, are granted to certain types of development (specified in the order) within a certain area (also specified in the order).

**Legal Advisers
Constitutional and Legislative Affairs Committee**

November 2011