Dear Elin,

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2020 (“the Order”)

In accordance with section 11A(4) of the Statutory Instruments Act 1946, as inserted by Sch.10 para 3 of the Government of Wales Act 2006, I am notifying you that this Statutory Instrument has come into force less than 21 days from the date of laying. The explanatory memorandum that accompanies the Order is attached for your information.

Background

The Order inserts a new Part 12A in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (“the principal Order”). Where development falls within the terms of the principal Order, the principal Order provides planning permission for it so that an application for planning permission is not required.

The aim of the Order is to enable local authorities to carry out development for specified purposes on their land in an emergency in accordance with Part 12A. For these purposes an emergency is an event or situation which threatens serious damage to human welfare in a place in the United Kingdom.

The development permitted is development for the purposes of—

(a) preventing an emergency;
(b) reducing, controlling or mitigating the effects of an emergency; or
(c) taking other action in connection with an emergency.

The permitted development is subject to conditions which are also set out in the new Schedule 12A. They include a condition that the developer must stop using the land for the
emergency purpose on or before the expiry of a period of 12 months from when it started, structures and plant etc must be removed and the land must be restored to its previous condition (or to an agreed condition).

The Order is required to come into force as soon as possible to enable local authorities to use their land for development in accordance with Part 12A. This would enable for instance buildings such as leisure centres to be used for the purpose of hospital care. If the Order does not come into force local authorities will be required to apply for planning permission to carry out such development. The Order seeks to avoid the delay that the making and processing of such applications would inevitably involve. In view of the circumstances surrounding the COVID-19 disease which falls in the category of an “emergency” for the purposes of the Order and in particular its fast-moving nature, not adhering to the 21-day rule is thought necessary and justifiable in this case.

Due to the immedicacy of the Order it has not been subject to consultation, however, an Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes to Mick Antoniw AM, Chair of the Legislation, Justice and Constitution Committee Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

Rebecca Evans AC/AM
Y Gweinidog Cyllid a’r Trefnydd
Minister for Finance and Trefnydd