

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



Llywodraeth Cymru
Welsh Government

Elin Jones AC/AM
Llywydd
Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

14 April 2020

Dear Elin,

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) 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 3A 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 health service bodies to carry out certain development for the purposes of preventing, protecting against, controlling or providing a response to a public health emergency in the United Kingdom. The development permitted is the change of use of a building or land from any class in the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any other use to Class C2 (Residential institutions) or Class D1 (Non-residential institutions), and the provision of buildings or other structures.

For the purpose of the new Part 3A, a public health emergency is an event or situation which causes or may cause loss of human life, serious human illness or injury; or serious disruption of services relating to health.

The permitted development is subject to conditions which are also set out in the new Part 3A. They include a condition that the developer who has undertaken the development must

stop using the land/buildings 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/building must be restored to its previous condition/use (or to an agreed condition).

The Order is required to come into force as soon as possible to enable health service bodies to undertake development in accordance with Part 3A. This would enable for instance the setting up of temporary hospitals and testing stations on land not owned/maintained by a local authority or the Crown, such as within private sports arenas.

If the Order does not come into force health service bodies 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 a "public health emergency" for the purposes of the Order and in particular its fast-moving nature, not adhering to the 21-day convention is thought necessary and justifiable in this case.

Due to the immediacy 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,

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive, flowing style.

Rebecca Evans AC/AM
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Minister for Finance and Trefnydd