

Statutory Instruments with Clear Reports

08 June 2020

SL(5)551 – The Sustainable Drainage (Approval and Adoption) (Wales) (Amendment) Order 2020

Procedure: Negative

This Order amends the Sustainable Drainage (Approval and Adoption) (Wales) Order 2018 (“the 2018 Order”). The 2018 Order makes provision in relation to the requirement for approval of, and requests for adoption of, sustainable drainage systems under Schedule 3 to the Flood and Water Management Act 2010 (“the 2010 Act”).

Article 3 of this Order inserts an interpretation provision into article 2 of the 2018 Order (interpretation) which makes clear that permitted developments, which are developments that are granted planning permission by virtue of development orders and local development orders in accordance with section 58(1)(a) of the Town and Country Planning Act 1990, are not to be considered as works which have been granted planning permission for the purposes of the exceptions in articles 3 to 6 of the 2018 Order. This amendment is made to correct an unintended omission in the 2018 Order.

The effect of this is that construction works which have drainage implications, which are also permitted developments and cover an area of land of 100 square metres or more, will require approval by the approving body, in accordance with the provisions of the 2018 Order.

In response to the Covid 19 pandemic, article 4 of this Order amends article 4 of the 2018 Order (exceptions to requirement for approval: planning permission not required). It inserts a new paragraph (3) which provides that emergency permitted developments under Part 3A, Part 12A and Part 37 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, do not require approval under paragraph 7(1) of Schedule 3 to the 2010 Act.

Parent Act: Flood and Water Management Act 2010

Date Made: 18 May 2020

Date Laid: 19 May 2020

Coming into force date: 09 June 2020

