

2014 No. 1772 (W. 183)

**TOWN AND COUNTRY
PLANNING, WALES**

The Town and Country Planning
(Development Management
Procedure) (Wales) (Amendment)
Order 2014

EXPLANATORY NOTE

(This note is not part of the Order)

Amendments made to section 96A of the Town and Country Planning Act 1990 by the Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770 (W.182)) allow local planning authorities in Wales to make non-material changes to planning permissions relating to land in their area.

This Order amends the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801 (W. 110)) to make provision for the form and manner in which applications are to be made. The Order also places requirements on local planning authorities as to consultation and publicity.

A regulatory impact assessment has been prepared in relation to this instrument. Copies may be obtained from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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Made 3 July 2014

Laid before the National Assembly for Wales 7
July 2014

Coming into force 1 September 2014

The Welsh Ministers, in exercise of the powers conferred on them by section 96A of the Town and Country Planning Act 1990(1) and conferred on the Secretary of State by sections 69(2) and 333 of that Act and now exercisable by them(3), make the following Order:

Title, commencement and application

1.—(1) The title of this Order is The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2014 and it comes into force on 1 September 2014.

(2) This Order applies to all land in Wales.

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- (1) 1990. c. 8. Section 96A was inserted by section 190(1) of the Planning Act 2008 (c.29) and was amended by article 2 of the Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770 (W.182)).
- (2) Section 69 was substituted by section 118 of, and paragraphs 1 and 3 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c.5) and amended by section 190 of the Planning Act 2008 (c. 29).
- (3) The functions of the Secretary of State under section 333 were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2.—(1) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012(1) is amended as follows.

(2) After article 28 insert—

“Applications for non-material changes to planning permission

28A.—(1) This article applies to an application made under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission).

(2) An application to which this article applies must be made in writing to the local planning authority on the form published by the Welsh Ministers.

(3) An application for non-material changes to planning permission may be publicised by the local planning authority by giving notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 14 days; or
- (b) by serving the notice on any adjoining owner or occupier.

(4) Where the notice is without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 14 days referred to in paragraph (3)(a) has elapsed, the authority will be treated as having complied with the requirement of that paragraph if they have taken reasonable steps to protect the notice and, if need be, replace it.

(5) Before determining an application a local planning authority may consult any authority, body or person whom they consulted in accordance with article 14 before granting planning permission.

(6) Where notice is given under paragraph (3) or if the local planning authority has consulted in accordance with paragraph (5), the authority must, in determining an application, take into account any representations made within 14 days beginning with the date when the notice was given.

(7) A local planning authority must give the applicant notice in writing of their decision on the application within 28 days of receipt of the

(1) S.I. 2012/801 (W.110). There are amendments to this Order but none is relevant.

application or such longer period as may be agreed in writing between the applicant and the authority.”

(3) In article 29 after paragraph (3) insert—

“(3A) Part 2 must also contain the following information in respect of every application made under article 28A relating to their area—

- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings; and
- (b) the decision, if any, of the authority in respect of the application, the date of such decision and the name of the authority.”

Carl Sargeant

Minister for Housing and Regeneration, one of the
Welsh Ministers

3 July 2014