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WELSH STATUTORY INSTRUMENTS

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**2020 No. 367 (W. 82)**

**TOWN AND COUNTRY PLANNING, WALES**

**The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2020**

<i>Made</i>	- - - -	27 March 2020
<i>Laid before the National Assembly for Wales</i>	- -	30 March 2020
<i>Coming into force</i>	- -	30 March 2020

The Welsh Ministers, in exercise of the powers conferred by sections 59, 60(1), 61(1) and 333(7) of the Town and Country Planning Act 1990(1) and now vested in them(2), make the following Order.

**Title, commencement and application**

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2020 and it comes into force on 30 March 2020.

(2) This Order applies in relation to Wales.

**Amendment of the Town and Country Planning (General Permitted Development) Order 1995**

2.—(1) Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995(3) is amended as set out in paragraph (2).

(2) After Part 12 (Development by Local Authorities) insert—

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- (1) 1990 c. 8. Section 59(4) was inserted by section 55 of, and paragraph 5 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4). There are other amendments which are not relevant to this instrument.
- (2) The functions of the Secretary of State under sections 59, 60(1), 61(1) and 333(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): see the entry in Schedule 1 for the Town and Country Planning Act 1990 as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) the functions of the National Assembly for Wales were transferred to the Welsh Ministers.
- (3) S.I. 1995/418 to which there are amendments which are not relevant to this instrument.

## “Part 12A

### Emergency Development by Local Authorities

#### Class A

#### **A. Permitted development**

**Development by a local authority on land owned, leased, occupied or maintained by it 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.**

#### **A.1 Conditions**

Development is permitted by Class A subject to the following conditions—

- (a) if the developer is not also the local planning authority, the developer must, as soon as reasonably practicable notify the local planning authority of that development; and
- (b) on or before the expiry of the period of twelve months beginning with the date on which the development began—
  - (i) any use of that land for a purpose of Class A must cease and any buildings, plant, machinery, structures and erections permitted by Class A must be removed; and
  - (ii) the land must be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

#### **A.2 Interpretation of Class A**

(1) For the purposes of Class A, “emergency” means an event or situation which threatens serious damage to human welfare in a place in the United Kingdom.

(2) For the purposes of paragraph (1), an event or situation threatens damage to human welfare only if it involves, causes or may cause—

- (a) loss of human life;
- (b) human illness or injury;
- (c) homelessness;
- (d) damage to property;
- (e) disruption of a supply of money, food, water, energy or fuel;
- (f) disruption of a system of communication;
- (g) disruption of facilities for transport; or
- (h) disruption of services relating to health.”

27 March 2020

*Julie James*  
Minister for Housing and Local Government,  
one of the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (“the GPDO”).

Article 3 of, and Schedule 2 to, the GPDO confer permitted development rights in respect of certain development. Where such rights are conferred, an application for planning permission is not required.

Article 2 of this Order amends Schedule 2 to the GPDO by inserting a new Part 12A (Emergency Development by Local Authorities) to permit local authorities in Wales to carry out certain development in an emergency in accordance with that Part. 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 Part 12A.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on the Welsh Government website at [www.gov.wales](http://www.gov.wales).