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WELSH STATUTORY INSTRUMENTS

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**2020 No. 517 (W. 122)**

**WATER INDUSTRY, WALES**

**The Sustainable Drainage (Approval and Adoption) (Wales) (Amendment) Order 2020**

<i>Made</i>	- - - -	<i>18 May 2020</i>
<i>Laid before Senedd Cymru</i>		<i>19 May 2020</i>
<i>Coming into force</i>	- -	<i>9 June 2020</i>

The Welsh Ministers, in exercise of the powers conferred by sections 32 and 48(2) of, and paragraph 7(4)(c) of Schedule 3 to, the Flood and Water Management Act 2010<sup>(1)</sup>, make the following Order.

**Title and commencement**

1. The title of this Order is the Sustainable Drainage (Approval and Adoption) (Wales) (Amendment) Order 2020 and it comes into force on 9 June 2020.

**Amendment of the Sustainable Drainage (Approval and Adoption) (Wales) Order 2018**

2. The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018<sup>(2)</sup> is amended as follows.

**Amendment of article 2 (interpretation)**

3. In article 2, after paragraph (2) insert—

“(3) For the purposes of this Order, “planning permission” means planning permission under the Town and Country Planning Act 1990<sup>(3)</sup> but does not include those permitted developments which are granted planning permission either by virtue of a development order or a local development order in accordance with section 58(1)(a) of that Act.”

**Amendment of article 4 (exceptions to requirement for approval: planning permission not required)**

4. For article 4 substitute—

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<sup>(1)</sup> 2010 c. 29. There are amendments to Schedule 3 but none is relevant.

<sup>(2)</sup> The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018 (S.I. 2018/1074 (W. 224)).

<sup>(3)</sup> The Town and Country Planning Act 1990 c. 8.

“(1) Subject to paragraph (2), the requirement for approval under paragraph 7(1) of Schedule 3 does not apply to construction work where the construction work does not require planning permission.

(2) The exception in paragraph (1) does not apply where the construction work involves the construction of a building or other structure covering an area of land of 100 square metres or more.

(3) The requirement for approval under paragraph 7(1) of Schedule 3 does not apply to the developments under the following Parts of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995(4)—

- (a) Part 3A (Temporary Building and Changes of Use for Public Health Emergency Purposes)(5);
- (b) Part 12A (Emergency Development by Local Authorities)(6); and
- (c) Part 37 (Emergency Development by the Crown)(7).”

18th May 2020

*Lesley Griffiths*  
Minister for Environment, Energy and Rural  
Affairs, one of the Welsh Ministers

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(4) The Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).  
(5) Part 3A was inserted by article 2(2) of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (Wales) Order 2020 (S.I. 2020/420 (W. 90)).  
(6) Part 12A was inserted by article 2(2) of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2020 (S.I. 2020/367 (W. 82)).  
(7) Part 37 was amended by S.I. 2006/1282 and S.I. 2006/1386 (W. 136).

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## EXPLANATORY NOTE

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

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.

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.

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.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.