WELSH STATUTORY INSTRUMENTS

2012 No. 2319 (W. 253)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2012

Made - - - - 6 September 2012
Laid before the National Assembly for Wales - - 11 September 2012
Coming into force in accordance with regulation 1(1)

The Welsh Ministers, in exercise of the powers conferred by section 108(2A), (3C), (3D), (5) and (6) of the Town and Country Planning Act 1990(**1**) now exercisable by them(**2**), make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2012 and they come into force on 5 October 2012.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

"the Act" ("*y Ddeddf*") means the Town and Country Planning Act 1990;

"the 1995 Order" ("*Gorchymyn 1995*") means the Town and Country Planning (General Permitted Development) Order 1995(**3**); and

"Schedule 2" ("*Atodlen 2*") means Schedule 2 to the 1995 Order.

Prescribed development

2. For the purposes of paragraphs (2A)(a) and (3C)(a) of section 108 of the Act (compensation where development order or local development order withdrawn), development of the following description is prescribed—

(**1**) 1990 c. 8. Section 108 was amended by section 13 of the Planning and Compensation Act 1991 (c. 34), section 40(2) and paragraphs 1 and 6 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5), section 189 of the Planning Act 2008 (c. 29), section 121 and paragraphs 1 and 15 of Schedule 12 to the Localism Act 2011 (c. 20) and S.I. 2006/1281. Subsections 108(2A), (3C), (3D) and (6) were amended by the Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210 (W.36)).

(**2**) Section 108(6) was amended so as to confer functions in relation to Wales exercisable by the Welsh Ministers by the Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012.

(**3**) S.I. 1995/418; relevant amendments were made by S.I. 2006/124 (W.17), 2009/2193 (W.185) and 2012/1346 (W. 167).

(a) development permitted by Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse);

(b) development permitted by Class A of Part 8 of Schedule 2 (extension or alteration of an industrial building or a warehouse);

(c) development permitted by Part 32 of Schedule 2 (schools, colleges, universities and hospitals);

(d) development permitted by Part 40 of Schedule 2 (installation of domestic microgeneration equipment); and

(e) development permitted by Part 43 of Schedule 2 (installation of non-domestic microgeneration equipment).

Prescribed manner in which planning permission to be withdrawn

3. For the purposes of section 108(3C)(b) of the Act, the prescribed manner for withdrawing planning permission is by direction in accordance with articles 4, 5 and (as appropriate) 6 of the 1995 Order.

Notice of withdrawal-prescribed manner and period

4. For the purposes of section 108(3C)(c) of the Act—

(a) the prescribed manner in which notice of the withdrawal is to be published is in the manner described in articles 5 and (as appropriate) 6 of the 1995 Order; and

(b) the prescribed period is 24 months.

Notice of revocation, amendment or directions-prescribed manner and period

5. For the purposes of section 108(3D)(c) of the Act—

(a) the prescribed manner for publication of notice of the revocation, amendment or directions is in the manner described in paragraphs (7) and (8) of article 27 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(**4**); and

(b) the prescribed period is 24 months.

Transitional provision

6. These Regulations do not apply in relation to any withdrawal of planning permission for development of a description prescribed in regulation 2(d) where, before 18 June 2012, either—

(a) notice of the direction withdrawing that permission has been given in accordance with article 5 of the 1995 Order; or

(b) the direction is one to which article 6 of the 1995 Order (notice and confirmation of article 4(2) directions) applies and the direction has come into force.

Revocation

7. The Town and Country Planning (Compensation) (Wales) Regulations 2012(**5**) are revoked.

(**4**) S.I. 2012/801 (W.110).
(**5**) S.I. 2012/789 (W.105).