WELSH STATUTORY INSTRUMENTS

2012 No. 843 (W.116)

TOWN AND COUNTRY PLANNING, WALES

The Land Compensation Development (Wales) Order 2012

Made - - - -	*15 March 2012*
Laid before the National Assembly for Wales - -	*16 March 2012*
Coming into force - -	*6 April 2012*

The Welsh Ministers, in exercise of the powers conferred by section 20 of the Land Compensation Act 1961(**1**) and sections 59, 61(1) and 333(7) of the Town and Country Planning Act 1990(**2**), now exercisable by them(**3**), make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Land Compensation Development (Wales) Order 2012 and it comes into force on 6 April 2012.

(2) This Order applies to Wales.

Interpretation

2.—(1) In this Order—

"1974 Order" ("*Gorchymyn 1974*") means the Land Compensation Development Order 1974(**4**); and

"electronic communication" ("*cyfathrebiad electronig*") has the meaning given in section 15(1) of the Electronic Communications Act 2000(**5**) (general interpretation).

(2) Any reference in this Order to a numbered section is a reference to the section so numbered in the Land Compensation Act 1961(**6**).

(**1**) 1961 c. 33; section 20 will be amended by the Localism Act 2011 (c. 20), section 232(4), on a date to be appointed.
(**2**) 1990 c. 8.
(**3**) The functions of the Secretary of State were 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). The functions of the National Assembly for Wales were transferred 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).
(**4**) S.I. 1974/539; amended by S.I.1986/435.
(**5**) 2000 c. 7; section 15(1) was amended by section 406 of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).
(**6**) Sections 17 and 18 will be substituted by section 232(3) of the Localism Act 2011 (c. 20) on a date to be appointed.

(3) Paragraphs (4) to (7) apply where an electronic communication is used by a person to make an application for a certificate under section 17 to, or to request information under article 5 from, a local planning authority and in those paragraphs "the recipient" means that local planning authority.

(4) The application or request will not be taken to have been made unless the document transmitted by electronic communication is—

(a) capable of being accessed by the recipient;

(b) legible in all material respects; and

(c) sufficiently permanent to be used for subsequent reference.

(5) In paragraph (4), "legible in all material respects" means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where electronic communication is received by the recipient outside the recipient's business hours, it will be taken to have been received on the next working day; and for this purpose "working day" means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in this Order that any document must be in writing is fulfilled where the document meets the criteria in paragraph (4), and "written" and cognate expressions are to be construed accordingly.

Application for and issue of certificates

3.—(1) An application to a local planning authority for a certificate under section 17 must—

(a) be in writing;

(b) include a plan or map sufficient to identify the land to which the application relates; and

(c) comply with the requirements of section 17(3).

(2) The time within which a certificate is to be issued by a local planning authority will, subject to the provisions of section 17(4), be two months from the receipt of such an application by them.

(3) If a local planning authority issue a certificate otherwise than for development described in the application made to them, or contrary to representations in writing made to them by a party directly concerned(**7**), they must in that certificate include a statement in writing of their reasons for doing so and give particulars of the manner in which and the time within which an appeal may be made under section 18.

Requests for information as to certificates, etc and provision by local planning authority

4. Where a written request is made to a local planning authority by any person appearing to them to have an interest in the land which is the subject of a certificate under section 17 for—

(a) the name and address of the applicant for the certificate and the date of the application, and

(b) a copy of the certificate,

the local planning authority must provide such person with such information and a copy of the certificate, if any.

Electronic communications

5. Where an application for a certificate under section 17 or a request for information under article 4 is made electronically, the person making the application or the request (as the case may be) will be taken to have agreed—

(**7**) *See* section 22(1) of the Land Compensation Act 1961 (c. 33) for the meaning of "the parties directly concerned".