WELSH STATUTORY INSTRUMENTS

2012 No. 789 (W.105)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Compensation) (Wales) Regulations 2012

Made - - - -	*10 March 2012*
Laid before the National Assembly for Wales - -	*13 March 2012*

Coming into force in accordance with regulation 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) Regulations 2012 and they come into force—

(a) for all purposes other than those of regulations 2(d) and 6, on 30 April 2012, and

(b) for the purposes of regulations 2(d) and 6, with effect from the date on which the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012 comes into force.

(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.

(**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) 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) and 2009/2193 (W.185).

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(2A)(a) and (3C)(a) of section 108 of the Act (compensation where development order or local development order withdrawn), development of the following description is prescribed—

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

(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).

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 article 5 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.—(1) These Regulations do not apply in relation to any withdrawal of planning permission for development of a description prescribed in regulation 2(d) where either—

(a) before the transitional date 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 before the transitional date.

(2) In this regulation, "transitional date" ("*dyddiadtrosiannol*") means the date on which the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012 comes into force.

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