WELSH STATUTORY INSTRUMENTS

2008 No. 2336 (W.199)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008

Made - - - -	*31 August 2008*
Laid before the National Assembly for Wales - -	*2 September 2008*
Coming into force - -	*6 October 2008*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 59, 61(1), 62(1) and 333(7) of the Town and Country Planning Act 1990(**1**) and which are now exercisable by the Welsh Ministers(**2**), make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008.

(2) This Order comes into force on 6 October 2008.

(3) This Order applies in relation to Wales.

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

2. The Town and Country Planning (General Development Procedure) Order 1995(**3**) is amended in accordance with article 3 of this Order.

Amendments relating to reserved matters

3.—(1) In article 1(2) (interpretation)—

(**1**) 1990 c. 8.

(**2**) The functions of the Secretary of State under sections 59, 61(1), 62(1) and 333(7) of the Town and Country Planning Act 1990 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 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions have subsequently been transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006. By virtue of section 333(4) of the 1990 Act, the powers conferred by sections 59, 61(1), 62(1) and 333(7) of the 1990 Act are exercisable by statutory instrument.

(**3**) S.I. 1995/419. Relevant amendments have been made by S.I. 1996/525, 2004/1434 (W.147) and 2004/3156 (W.273).

(a) after the definition of "the Act" insert—

""access", in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"appearance" means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;";

(b) for the definition of "landscaping" substitute—

""landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out or provision of gardens, courts or squares, water features, sculpture, or public art, and the provision of other amenity features;";

(c) after the definition of "landscaping" insert—

""layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;";

(d) for the definition of "reserved matters" substitute—

""reserved matters", in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application—

(a) access;

(b) appearance;

(c) landscaping;

(d) layout; and

(e) scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4);";

(e) after the definition of "reserved matters" insert—

""scale" means the height, width and length of each building proposed within the development in relation to its surroundings;".

(2) After paragraph (2) of article 3 (applications for outline planning permission) add—

"(3) Where layout is a reserved matter the application for outline planning permission shall state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter the application for outline planning permission shall state the upper and lower limit for the height, width and length of each building included in the development proposed.