WELSH STATUTORY INSTRUMENTS

2006 No. 1386 (W.136)

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006

Made - - - -	*23 May 2006*
Coming into force - -	*7 June 2006*

The National Assembly for Wales ("the National Assembly") in exercise of the powers conferred upon it by sections 55(2)(f), 59, 60, 61(1), 293A(8) and (9)(b) and 333(7) of the Town and Country Planning Act 1990(**1**) and of all other powers enabling it in that behalf, hereby makes the following Order–

Title, Commencement and Application

1.—(1) The title of this Order is the Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006 and it comes into force on 7 June 2006.

(2) This Order applies in relation to Wales.

Town and Country Planning (Use Classes) Order 1987

2.—(1) The Town and Country Planning (Use Classes) Order 1987(**2**)is amended as follows.

(2) In Part C of the Schedule, after Class 2 (residential institutions) insert–

"**Secure residential institutions**

C2A. Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.".

(**1**) 1990 c. 8; to which there are amendments not relevant to this Order. The functions of the Secretary of State under sections 55(2)(f),59, 60, 61(1) and 333(7) 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 (SI 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 under section 293A as inserted by section 82(1) of the Planning and Compulsory Purchase Act 2004 are exercisable by the National Assembly by virtue of section 118(3) of that Act.

(**2**) S.I. 1987/764 amended by S.I. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297, 1999/293 and 2002/1875 (W.184).

(3) In Part D of the Schedule, in class D1 (non-residential institutions) after sub-paragraph (h) insert–

"(i) as a law court.".

Town and Country Planning (General Permitted Development) Order 1995

3.—(1) The Town and Country Planning (General Permitted Development) Order 1995(**3**)is modified as follows.

(2) In article 1(2) (interpretation)–

(a) in the definition of "building"for "and Class A of Part 31" substitute ", Class A of Part 31 and Class C of Part 38";

(b) after the definition of "classified road"insert–

""Crown land" has the meaning given by section 293(**4**) of the Act;";

(c) after the definition of "Notification Regulations"insert–

""operational Crown building" means a building which is operational Crown land;

"operational Crown land" means–

(a) Crown land which is used for operational purposes; and

(b) Crown land which is held for those purposes,

but does not include–

(i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held, for operational purposes;

(ii) Crown land–

(aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;

(bb) in which there is an interest belonging to Her Majesty in right of Her private estates;

(cc) in which there is an interest belonging to Her Majesty in right of the Duchy of Lancaster; or

(dd) belonging to the Duchy of Cornwall;

"operational purposes" means the purposes of carrying on the functions of the Crown or of either House of Parliament;"; and

(d) for the definition of "original"substitute–

""original" means–

(a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date and, in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;

(b) in relation to a building which is Crown land on 7th June 2006, as existing on that date and, in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built;".

(3) After paragraph (12) of article 1 insert–

(**3**) S.I. 1995/418 amended by S.I. 1996/528, 1997/3661998/462, 1999/1661, 2002/1878 and 2006/124 (W.17)
(**4**) Section 293 was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), Schedule 3 paragraph 6.

"(13) For the purposes of this Order, development carried out by or on behalf of any person in whom control of accommodation in any part of the Palace of Westminster or its precincts is vested shall be treated (so far as it would not otherwise be treated) as development by or on behalf of the Crown.".

(4) In article 3(12) (permitted development) after sub-paragraph (f) insert–

"(g) development for which permission is granted by Class B of Part 13.".

(5) In article 4(3) (directions restricting permitted development)–

(a) after sub-paragraph (a) insert–

"(aa) development permitted by Class B of Part 13;

(ab) development permitted by Part 37 or Part 38;"; and

(b) in sub-paragraph (b) after "emergency"insert "other than development permitted by Part 37".

(6) In Schedule 2 (permitted development)–

(a) for Part 13 (development by local highway authorities) substitute Part 13 as set out in Part 1 of the Schedule to this Order; and

(b) after Part 33 (closed circuit television cameras) insert Parts 34 to 38 as set out in Part 2 of that Schedule.

Town and Country Planning (General Development Procedure) Order 1995

4.—(1) The Town and Country Planning (General Development Procedure) Order 1995(**5**)is amended as follows.

(2) For article 4A (applications in respect of Crown land) substitute–

"**Applications in respect of Crown land**

4A.—(1) An application for planning permission in respect of Crown land must be accompanied by–

(a) a statement that the application is made in respect of Crown land; and

(b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.".

(3) In article 8 (publicity for applications for planning permission) after paragraph (7) insert–

"(7A) This article applies to applications made to the Secretary of State under section 293A of the Act (urgent Crown development) as if the references to a local planning authority were references to the Secretary of State.".

(4) After article 10 (consultations before the grant of planning permission) insert–

"**Consultations before the grant of planning permission: urgent Crown development**

10A.—(1) Article 10 applies in relation to applications made to the Secretary of State under section 293A of the Act with the following modifications.

(2) For paragraphs (1), (1A), and (1B) substitute–

"(1) Before granting planning permission for development which, in the opinion of the Secretary of State, falls within a category set out in the table below, the Secretary of State must consult the authority or person mentioned in relation to that category, except where–

(**5**) S.I. 1995/419 amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 233 and by S.I. 1995/1139, 1996/396, 1996/593, 1996/1817, 1997/858, 1999/293, 1999/981, 2002/1877 (W. 186) and 2004/1434 (W.147).

(a) the authority or person so mentioned has advised the Secretary of State that they do not wish to be consulted; or

(b) the development is subject to any standing advice provided by the authority or person so mentioned to the Secretary of State in relation to the category of development.

(1A) The exception in paragraph (1)(a) will not apply where, in the opinion of the Secretary of State, development falls within paragraph (zb) of the table below.

(1B) The exception in paragraph (1)(b) will not apply where–

(a) the development is an EIA development; or

(b) the standing advice was issued more than two years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority or person within that period.".

(3) In the table after paragraph (b) insert–

"(ba)	Development likely to affect land in the area of a community council 9	The community council"

(4) Omit paragraph (3).

(5) In paragraph (4)–

(a) for "a local planning authority are"substitute "the Secretary of State is";

(b) in sub-paragraph (a) for "they shall"substitute "it must".

(6) In paragraph (5) for "local planning authority" substitute "Secretary of State".".

(5) In article 19(3) (representations to be taken into account) for "of the Act (reference of applications to the Secretary of State)" substitute "(reference of applications to the Secretary of State) and section 293A(2) (applications for urgent Crown development) of the Act".

(6) In article 25 (register of applications)–

(a) in paragraph (4)(d) after "whether on appeal"insert ", on an application under section 293A(2) of the Act (applications for urgent Crown development)";

(b) in paragraph (9) for "Every"substitute "Subject to paragraph (9A), every"; and

(c) after paragraph (9) insert–

"(9A) A copy of any application made under section 293A(2) of the Act (applications for urgent Crown development) and of any plans and drawings submitted in relation to it must be placed on the register within 14 days of the date on which the local planning authority is consulted on the application by the Secretary of State.".

(7) In Part 1 of Schedule 2 (notices under articles 6 and 9)–

(a) in the first notice–

(i) for "Council"substitute "[Council] [National Assembly for Wales]†" in each place where the word occurs; and

(ii) in note (05) after "Council"insert "or the National Assembly for Wales as appropriate";

(b) in the second notice–

(i) for "Council"substitute "[Council] [National Assembly for Wales]†" in each place where the word occurs; and

(ii) in note (g) after "Council"insert "or the National Assembly for Wales as appropriate".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**6**)

D. Elis-Thomas
23 May 2006 The Presiding Officer of the National Assembly

(**6**) 1998 c. 38.