WELSH STATUTORY INSTRUMENTS

2004 No. 1434 (W.147)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2004

Made - - - -	*25 May 2004*
Coming into force - -	*1 September 2004*

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred on the Secretary of State by sections 59, 69, 74, 78 and 333(7) of the Town and Country Planning Act 1990(**1**), and now exercisable by the National Assembly in relation to Wales(**2**), and all other powers enabling it in that behalf, hereby makes the following Order:

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2004 and comes into force on 1 September 2004.

(2) This Order applies to Wales.

(3) In this Order, "the 1995 Order" means the Town and Country Planning (General Development Procedure) Order 1995(**3**).

Amendments to the 1995 Order

2. In article 1(2) of the 1995 Order (interpretation)—

(a) after the definition of "outline planning permission", insert—

> ""planning obligation" means an obligation entered into by agreement or otherwise by any person interested in land pursuant to section 106 of the Act(**4**);"; and

(b) after the definition of "reserved matters", insert—

(**1**) 1990 c. 8: to which there are amendments not relevant to this Order.
(**2**) The functions of the Secretary of State were, so far as exercisable in relation to Wales, transferred to the National Assembly by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now exercisable by the National Assembly for Wales by virtue of article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) (W.5).
(**3**) S.I. 1995/419, to which there are amendments not relevant to this Order.
(**4**) Section 106 was substituted by section 12 of the Planning and Compensation Act 1991 (c. 34).

""Secretary of State" shall be construed, in relation to Wales, as meaning the National Assembly for Wales;

"section 278 agreement" means an agreement entered into pursuant to section 278 of the Highways Act 1980(**5**);".

3. In article 22(1)(a) of the 1995 Order (written notice of decision or determination relating to a planning application), after "condition imposed", insert—

", specifying all policies and proposals in the development plan which are relevant to the decision".

4. In article 23 of the 1995 Order (appeals), after paragraph (3), insert—

"(4) The Secretary of State may refuse to accept a notice of appeal from an applicant if the documents required under paragraphs (1) and (3) are not served on him within the time limit specified in paragraph (2).".

5. In article 25 of the 1995 Order (register of applications)—

(a) delete paragraph (3) and substitute—

"(3) Part I of the register shall contain in respect of each such application and any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning register authority and not finally disposed of—

(a) a copy (which may be photographic) of the application together with any accompanying plans and drawings;

(b) a copy (which may be photographic) of any planning obligation or section 278 agreement proposed or entered into in connection with the application;

(c) a copy (which may be photographic) of any other planning obligation or section 278 agreement entered into in respect of the land which is the subject of the application and which the applicant considers relevant; and

(d) particulars of any modification to any planning obligation or section 278 agreement included in Part I of the register in accordance with sub-paragraphs (b) and (c) above.";

(b) after paragraph (4)(e), insert—

"(f) a copy (which may be photographic) of any planning obligation or section 278 agreement entered into in connection with any decision of the local planning authority or the Secretary of State in respect of the application;

(g) a copy (which may be photographic) of any other planning obligation or section 278 agreement taken into account by the local planning authority or the Secretary of State when making the decision; and

(h) particulars of any modification to or discharge of any planning obligation or section 278 agreement included in Part II of the register in accordance with sub-paragraphs (f) and (g) above and paragraph (5) below."; and

(c) in paragraph (5), after "effect of the Secretary of State's decision", insert—

"together with a copy (which may be photographic) of—

(a) any planning obligation or section 278 agreement entered into in connection with the decision; and

(**5**) 1980 c. 66; this section was substituted by section 23 of the New Roads and Street Works Act 1991 (c. 22). There are other amendments not relevant to this Order.