

Draft Order laid before the National Assembly for Wales under section 203(9) of the Planning Act 2008, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2014 No. (W.)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(Non-Material Changes and
Correction of Errors) (Wales) Order
2014**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in relation to Wales which corresponds to section 96A of the Town and Country Planning Act 1990. It does this by removing “in England” from subsection (1) of that section. The Order also makes supplementary provision in section 96A in relation to Wales. Section 96A(4) provides that a local planning authority can only make a non-material change to a planning permission if an application is made by or for a person with an interest in the land concerned. Article 2 inserts subsection (10) which states when a person has “an interest in the land”.

Article 3 makes provision which has effect corresponding to section 184 of the Planning Act 2008. Section 184 removed the requirement in section 56 of the Planning and Compulsory Purchase Act 2004 in relation to England, that the appropriate consent must be obtained to an error in a decision document being corrected. The amendments in article 3 remove the requirement to obtain consent to the correction of errors in decision documents in relation to Wales.

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2014 No. (W.)

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**The Town and Country Planning
(Non-Material Changes and
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2014**

Made

Coming into force

1 September 2014

The Welsh Ministers, in exercise of the powers conferred by section 203 of the Planning Act 2008(1), make the following Order:

In accordance with section 203(9) of that Act a draft of this Order was laid before and approved by a resolution of the National Assembly for Wales.

Title and commencement

1.—(1) — The title of this Order is The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014. This Order comes into force on 1 September 2014.

Non-material changes to planning permission

2.—(1) Section 96A of the Town and Country Planning Act 1990(2) is amended as follows.

(2) In subsection (1) omit “in England”.

(1) 2008 c.29.

(2) 1990 c.8, section 96A was inserted by the Planning Act 2008 section 190(2).

(3) In subsection (5) after “An application under subsection (4)” insert “to a local planning authority in England”.

(4) After subsection (5) insert—

“(5A) A development order may provide that an application under subsection (4) to a local planning authority in Wales must be made—

(a) in the form prescribed by the order or in a form published by the Welsh Ministers; and

(b) in the manner prescribed by the order.”

(5) In subsection (8) after “local planning authority” insert “in England”.

(6) After subsection (8) insert—

“(9) A development order may make provision about how a local planning authority in Wales are to deal with an application under subsection (4) (including provision imposing requirements as to consultation and publicity and as to when steps specified in the order are to be taken).

(10) For the purposes of this section as it applies in relation to Wales, a person has an interest in land only if in relation to that land (or any mineral in, on or under it) the person—

(a) is the estate owner of the fee simple;

(b) is entitled to a tenancy granted or extended for a term of years certain of which not less than two years remain unexpired;

(c) is the mortgagee of any interest or estate in the land; or

(d) is a party to an estate contract within the meaning of section 2(4) of the Land Charges Act 1972⁽¹⁾.”

Correction of errors in decisions

3.—(1) Section 56 of the Planning and Compulsory Purchase Act 2004⁽²⁾ is amended as follows.

(2) In subsection (3)—

(a) After paragraph (a) insert “and”;

(b) Omit paragraph (c) (and the “and” before it).

(3) Omit subsections (6) and (7).

Name

(1) 1972 c.61.

(2) 2004 c.5; section 56 was amended by the Planning Act 2008 section 184.

Minister for Housing and Regeneration, one of the
Welsh Ministers
Date