

SL(5)351 – The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019

Background and Purpose

The Town and Country Planning (General Permitted Development) Order 1995 (“the GPDO”), as amended, allows some minor developments to be undertaken without the need to submit a planning application. This is known as “permitted development”.

This Order amends the GPDO by:

- Permitting the installation of electrical outlets and upstands for recharging electric vehicles;
- Permitting the installation of certain overhead lines;
- Extending permitted development rights in relation to the height and width of ground-based masts and extending the period for the use of land and moveable electronic communications apparatus from six to eighteen months.
- Making amendments in relation to the construction, installation and replacement of certain apparatus for fixed line broadband services.
- Extending permitted development rights for non-domestic solar installations while prohibiting installation within three kilometres of the perimeter of an airport or aerodrome.

Procedure

Negative.

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2(vi) in respect of this instrument – that the drafting appears to be defective:

- In paragraph A.2(1)(a)(i) of Schedule 1 to this instrument, the reference to **section** 10(b) [emphasis added] of the Schedule to the Electric Lighting (Clauses) Act 1899 should refer to **paragraph** 10(b) [emphasis added] of the Schedule to the Electric Lighting (Clauses) Act 1899.
- Paragraph A.3(5) of Schedule 2 to this instrument contains the wording “*in receipt of the application under paragraph (4)*”. However, the provision which sets out that an application must be sent to the local authority is paragraph (3). Paragraph (4) prescribes what must accompany an application. Therefore, the correct reference in paragraph A.3(5) should be to paragraph (3) rather than paragraph (4).

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.



Implications arising from exiting the European Union

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

The technical scrutiny element of the draft report refers to two drafting errors, one of which is accepted.

Point 1 – Paragraph A.2(1)(a) of Schedule 1

The reporting point is noted and accepted. The government will look to correct this point by way of correction slip.

Point 2 – Paragraph A.3(5)

The cross-reference in paragraph A.3(5) was considered at the time of drafting. A conscious decision was made to include reference to paragraph (4) not paragraph (3). This is because the application being received must consist of the items listed in paragraph (4). This is consistent with Paragraph A.3(5) of Part 24 of Schedule 1 to the Town and Country Planning (General Permitted Development) Order 1995 as currently in force.

Legal Advisers

Constitutional and Legislative Affairs Committee

6 March 2019

