



Planning (Wales) Act 2015

2015 anaw 4

PART 6

DEVELOPMENT MANAGEMENT ETC

Duration of planning permission

35 Duration of planning permission: general

- (1) Section 91 of TCPA 1990 (general condition limiting duration of planning permission) is amended in accordance with subsections (2) to (6).
- (2) In subsection (1), in paragraph (a), for the words before “beginning with” substitute “the applicable period,”.
- (3) In subsection (3)—
 - (a) after “shall” insert “(subject to subsections (3ZA) and (3ZB))”;
 - (b) for the words from “expiration of” to the end, substitute “expiration of the applicable period, beginning with the date of the grant”.
- (4) After subsection (3) insert—

“(3ZA) Subsection (3ZB) applies if—

 - (a) a section 73 permission is granted for the development of land in Wales, but without the condition required by subsection (1), and
 - (b) the previous permission was granted, or deemed to have been granted (whether by virtue of this section or otherwise) subject to a condition as to the time within which development was to be begun.

(3ZB) The section 73 permission shall be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the date on or before which the previous permission required development to be begun.

Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, Cross Heading: Duration of planning permission. (See end of Document for details)

- (3ZC) The previous permission, in relation to a section 73 permission, is the previous planning permission referred to in section 73(1).
- (3ZD) References in subsections (3ZA) to (3ZC) to a section 73 permission are to a planning permission granted under section 73.”
- (5) In subsection (3A), after “validity” insert “ , in respect of the development of land in England, ”.
- (6) After subsection (4) insert—
- “(5) The applicable period—
- (a) in relation to England, is three years;
- (b) in relation to Wales, is five years.”
- (7) In section 73 of TCPA 1990 (determination of applications to develop land without compliance with conditions previously attached), in subsection (5), after “under this section” insert “ for the development of land in England ”.
- (8) In section 51 of PCPA 2004 (duration of permission and consent), in subsection (1), omit paragraph (a).

Annotations:

Commencement Information

- I1** S. 35 partly in force; s. 35 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I2** S. 35 in force at 16.3.2016 in so far as not already in force by S.I. 2016/52, art. 5(b) (with art. 13)

36 Duration of outline planning permission

- (1) Section 92 of TCPA 1990 (outline planning permission) is amended in accordance with subsections (2) to (6).
- (2) In subsection (2), for paragraph (b) substitute—
- “(b) that, in the case of outline planning permission for the development of land in England, the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (c) that, in the case of outline planning permission for the development of land in Wales, the development must be begun no later than—
- (i) the expiration of five years from the date of the grant of outline planning permission, or
- (ii) if later, the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.”
- (3) In subsection (3), after “shall” insert “ (subject to subsections (3A) to (3D)) ”.
- (4) After subsection (3) insert—

Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, Cross Heading: Duration of planning permission. (See end of Document for details)

- “(3A) If outline planning permission is granted under section 73 for the development of land in Wales, but without the condition required by subsection (2)(a), it shall be deemed to have been granted subject to the following condition.
- (3B) The condition is that, in the case of any reserved matter, application for approval must be made not later than the date on or before which the previous permission required application for approval, in the case of any matter reserved under the previous permission, to be made.
- (3C) If outline planning permission is granted under section 73 for the development of land in Wales, but without a condition required by subsection (2)(c), it shall be deemed to have been granted subject to the following condition.
- (3D) The condition is that the development to which the permission relates must be begun not later than the date on or before which the previous permission required development to be begun.
- (3E) The previous permission, in relation to outline planning permission granted under section 73, is the previous planning permission referred to in subsection (1) of that section.”
- (5) In subsection (4), omit the words from “of three” to “two years”.
- (6) In subsection (5), after “(b)” insert “ or (c) ”.
- (7) In section 51 of PCPA 2004 (duration of permission and consent), omit subsection (2).

Annotations:

Commencement Information

- I3** S. 36 partly in force; s. 36 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I4** S. 36 in force at 16.3.2016 in so far as not already in force by S.I. 2016/52, art. 5(b) (with art. 13)

Changes to legislation:

There are currently no known outstanding effects for the Planning (Wales) Act 2015, Cross
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