
WELSH STATUTORY INSTRUMENTS

2012 No. 801

**The Town and Country Planning (Development
Management Procedure) (Wales) Order 2012**

PART 4

Determination

Development affecting certain existing and proposed highways

19.—(1) Where an application is made to a local planning authority for planning permission for development which consists of or includes—

- (a) the formation, laying out or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour; or
- (b) any development of land within 67 metres (or such other distance as may be specified in a direction given by the Welsh Ministers under this article) from the middle of—
 - (i) any highway (other than a trunk road) which the Welsh Ministers have provided, or are authorised to provide, in pursuance of an order under Part 2 of the Highways Act 1980 (trunk roads, classified roads, metropolitan roads, special roads)⁽¹⁾ and which has not for the time being been transferred to any other highway authority;
 - (ii) any highway which the Welsh Ministers propose to improve under Part 5 of that Act (improvement of highways) and in respect of which notice has been given to the authority;
 - (iii) any highway to which the Welsh Ministers propose to carry out improvements in pursuance of an order under Part 2 of that Act; or
 - (iv) any highway which the Welsh Ministers propose to construct, the route of which is shown on the development plan or in respect of which the Welsh Ministers have given notice in writing to the relevant local planning authority together with maps or plans sufficient to identify the route of the highway,

the authority must notify the Welsh Ministers by sending to the Welsh Ministers a copy of the application and any accompanying plans and drawings.

(2) An application referred to in paragraph (1) must not be determined unless—

- (a) the local planning authority receive a direction given under article 18 (and the authority must then determine the application in accordance with the terms of that direction);
- (b) the authority receive notification by or on behalf of the Welsh Ministers that the Welsh Ministers do not propose to give any such direction in respect of the development to which the application relates; or

- (c) a period of 28 days (or such longer period as may be agreed in writing between the authority and the Welsh Ministers) from the date when notification was given to the Welsh Ministers has elapsed without receipt of such a direction.
- (3) The Welsh Ministers may, in respect of any case or any class or description of cases, give a direction specifying a different distance for the purposes of paragraph (1)(b).
- (4) In this article—
- “proposed highway” (“*priffordd arfaethedig*”) has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation)(2);
- “special road” (“*ffordd arbennig*”) means a highway or proposed highway which is a special road in accordance with section 16 of the Highways Act 1980 (general provision as to special roads)(3); and
- “trunk road” (“*cefnffordd*”) means a highway or proposed highway which is a trunk road by virtue of sections 10(1) (general provision as to trunk roads) or 19 (certain special roads and other highways to become trunk roads) of the Highways Act 1980(4) or by virtue of an order or direction under section 10, or any other enactment or any instrument made under any enactment.

(2) 1980 c. 66.

(3) Section 16 was amended by section 36 of, and paragraphs 21 and 24 of Schedule 2 to, the Planning Act 2008 (c. 29).

(4) Section 19 was amended by section 21 of the New Roads and Street Works Act 1991 (c. 22).