

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 Development Management etc

Section 36 – Duration of outline planning permission

137. This section makes a number of amendments to section 92 of the TCPA 1990 (Outline planning permission) and inserts new subsections (3A), (3B), (3C), (3D) and (3E).
138. The term ‘outline planning permission’ is defined, for the purposes of sections 91 and 92 of the TCPA 1990, in section 92(1). It means planning permission granted with matters reserved for subsequent approval by the local planning authority or the Welsh Ministers.
139. Subsections (3A) and (3B) provide that where outline planning permission is granted under section 73 without a condition as to the period within which an application for approval of reserved matters must be made, the permission is subject to a deemed condition that approval for reserved matters must be made no later than the previous planning permission required the application to be made. If an application is not made within that period, the permission lapses.
140. Subsections (3C) and (3D) provide that if outline planning permission is granted under section 73 without a condition as to when the development is started, the permission will be subject to a deemed condition that the development is started no later than the previous planning permission required it to be started. If the development is not started within that period, the permission will lapse. This means that, unless a new period is stated, the new permission lasts for the unexpired period of the original permission.
141. Subsection (3E) defines a previous planning permission.