

1989 No. 1180

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning (Cardiff Bay Urban  
Development Area) Special Development Order 1989**

<i>Made - - - -</i>	<i>5th July 1989</i>
<i>Laid before Parliament</i>	<i>17th July 1989</i>
<i>Coming into force</i>	<i>7th August 1989</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by section 24 of the Town and Country Planning Act 1971(a) and section 148(2) of the Local Government, Planning and Land Act 1980(b) and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Application, citation and commencement**

1.—(1) This Order shall apply to land within the Cardiff Bay urban development area.

(2) This Order may be cited as the Town and Country Planning (Cardiff Bay Urban Development Area) Special Development Order 1989 and shall come into force on 7th August 1989.

**Interpretation**

2. In this Order, unless the context otherwise requires—

“the 1971 Act” means the Town and Country Planning Act 1971;

“the 1980 Act” means the Local Government, Planning and Land Act 1980;

“the Cardiff Bay urban development area” means the area of land designated as an urban development area by the Cardiff Bay Development Corporation (Area and Constitution) Order 1987(c) and “the Cardiff Bay Development Corporation” means the corporation established by that Order;

“development area” means the Cardiff Bay urban development area;

“development corporation” means the Cardiff Bay Development Corporation;

“the General Development Order” means the Town and Country Planning General Development Order 1988(d); and expressions used in this Order shall have, unless the contrary intention appears, the meaning which they bear in the General Development Order;

“local planning authority” has the same meaning as in section 148 of the 1980 Act;

“new street” has the same meaning as in Part X of the Highways Act 1980(e);

“scheduled monument” has the same meaning as in the Ancient Monuments and Archaeological Areas Act 1979(f); and

“unapproved means of access” means a means of access which is not shown in a proposal approved by the Secretary of State under section 148(1) of the 1980 Act.

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(a) 1971 c. 78.

(b) 1980 c. 65.

(c) S.I. 1987/646.

(d) S.I. 1988/1813, to which there are amendments not relevant to this Order.

(e) 1980 c. 66.

(f) 1979 c. 46.

### **Permitted development**

3.—(1) Subject to the following provisions of this Order, development within the development area in accordance with proposals approved by the Secretary of State under section 148(1) of the 1980 Act (not being development for which permission under the 1971 Act is granted or deemed to be granted otherwise than by this Order) is hereby permitted subject to such of the limitations and conditions set out in articles 4 to 6 of this Order as are applicable to that development and subject—

- (a) to the development being begun within the period of five years beginning with the date on which the proposal for such development is approved by the Secretary of State or such other period (whether longer or shorter) beginning with that date as is specified in the proposal as approved; and
- (b) where the development consists of or includes the erection, extension or alteration of any buildings and subject to paragraph (2) below, to the approval by the local planning authority of the siting, design and external appearance of the buildings, means of access, provision for vehicle parking and for loading, unloading and storage of vehicles and containers, storage of materials in the open and landscaping of the site; and
- (c) where the development consists of or includes the formation, laying out or alteration of a means of access to any highway used by vehicular traffic or the laying out of a new street and subject to paragraph (2) below, to the approval by the local planning authority of detailed plans thereof.

(2) Sub-paragraphs (b) and (c) of paragraph (1) above shall have effect only to the extent that the matters of detail mentioned therein have not already been approved by the Secretary of State under section 148(1) of the 1980 Act.

### **Exception where section 45 order previously made**

4. Where planning permission for development has been revoked by an order made under section 45 of the 1971 Act, this Order shall not permit the carrying out of development of the description which was authorised by the revoked permission on the land to which that permission applied.

### **Exception where section 51 order previously made**

5. Where, by virtue of an order made under section 51 of the 1971 Act, the use of land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, or, any buildings or works are required to be altered or removed, nothing in this Order shall permit the carrying out of any development which would result in the resumption of the use of the land or the replacement or restoration of the buildings or works, as the case may be, as they were before the order took effect.

### **Consultation before development**

6.—(1) In any of the following cases, before granting any approval required by article 3(1)(b) or (c) of this Order, the local planning authority shall consult the following authorities or persons, namely:—

- (a) where it appears to the local planning authority that the development will involve the manufacture, processing, keeping or use of a hazardous substance in such circumstances that there will at any one time be, or is likely to be, a notifiable quantity of such substance in, on, over or under any land, the Health and Safety Executive;
- (b) in the case of development consisting of the formation, laying out or alteration of an unapproved means of access to a trunk road, the Secretary of State;
- (c) where it appears to the local planning authority that the development is likely to create or attract traffic which would result in a material increase in the volume or a material change in the character of traffic entering or leaving a trunk road, the Secretary of State;
- (d) where it appears to the local planning authority that the development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway, the British Railways Board or other railway undertakers likely to be affected and the Secretary of State;

- (e) subject to paragraph (2) below, in the case of development involving the formation, laying out or alteration of any means of access to a highway, or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified to the local planning authority, the local highway authority;
  - (f) in the case of development which appears to the local planning authority to be likely to result in a material increase in the volume of traffic entering or leaving a classified road or proposed road, the route of which has been adopted by resolution of the local highway authority and notified to the local planning authority, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering or leaving or using such a road, the local highway authority;
  - (g) in the case of development consisting of the laying out or construction of a new street, the local highway authority;
  - (h) where the development consists of or includes—
    - (i) the carrying out of works or operations in the bed or on the banks of a river or stream;
    - (ii) the carrying out of building or other operations or the use of land for the purpose of refining or storing mineral oils and their derivatives;
    - (iii) the use of land for the deposit of any kind of refuse or waste;
    - (iv) the retention, treatment or disposal of sewage, trade waste, slurry or sludge (other than the laying of sewers and the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling-houses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto); or
    - (v) the use of land as a cemetery,
 the Welsh Water Authority;
  - (i) where the development is of land in an area of special interest notified to the local planning authority by the Nature Conservancy Council in accordance with section 28 of the Wildlife and Countryside Act 1981<sup>(a)</sup>, the Nature Conservancy Council, except where the Council dispense with this requirement;
  - (j) where the development is of any land on which there is a theatre, as defined in the Theatres Trust Act 1976<sup>(b)</sup>, the Theatres Trust;
  - (k) where it appears to the local planning authority that the development is likely to affect the site of a scheduled monument, the Secretary of State;
  - (l) in the case of development or a class of development specified in any direction for the time being in force under the General Development Order by which the local planning authority are required to consult with any authority or person, that authority or person.
- (2) Consultation shall not be required by virtue of paragraph (1)(e) above in relation to—
- (a) a highway for which the Secretary of State is the highway authority; and
  - (b) a highway shown in proposals approved by the Secretary of State under section 148(1) except where those proposals require consultation.
- (3) Where this Order requires the local planning authority to consult any authority or other person, the local planning authority shall:—
- (a) give to such authority or other person not less than 14 days' notice in writing, specifying the site of, and giving particulars sufficient to describe the proposed development;
  - (b) not grant any approval required by article 3(1)(b) or (c) of this Order until the expiration of the period of such notice; and
  - (c) take into account any objections or other representations received from such authority or person.

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<sup>(a)</sup> 1981 c.69.  
<sup>(b)</sup> 1976 c.27.

(4) Where any objection or representation has been made by an authority or other person consulted as aforesaid and has not been withdrawn, the local planning authority shall send particulars of the proposed development and of the objection or representation to the Secretary of State in writing, and shall not grant any approval required by article 3(1)(b) or (c) of this Order until the Secretary of State has notified the local planning authority that he does not intend to give a direction under article 7 of this Order in respect of the development.

**Directions restricting development permitted by this Order**

7.—(1) If the Secretary of State is satisfied that it is expedient that any development permitted by article 3 of this Order should not be undertaken unless permission is granted on an application in that behalf, the Secretary of State may direct that the permission granted by that article shall not apply to that development.

(2) Notice of a direction given by the Secretary of State under this article shall, except in the case of development to be carried out by the development corporation, be served by the development corporation on the local planning authority and the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which notice thereof is served on the occupier of that part or, if there is no occupier, on the owner.

5th July 1989

*Peter Walker*  
Secretary of State for Wales

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is a special development order made under section 24 of the Town and Country Planning Act 1971 applying to land within the Cardiff Bay urban development area.

Under section 148(1) of the Local Government, Planning and Land Act 1980 the Secretary of State, after consultation with the appropriate local planning authority and with any other local authority which appears to him to be concerned, may approve proposals submitted to him by an urban development corporation for the development of land within the urban development area. Section 148(2) of that Act provides that a special development order may grant permission for any development of land in accordance with proposals so approved.

Article 3 of this Order grants permission for the carrying out of any development in accordance with proposals approved by the Secretary of State. The permission does not apply to the carrying out of development of the same description as development which has been made the subject of an order under section 45 (power to revoke or modify planning permission) or section 51 (orders requiring discontinuance of use or alternation or removal of buildings or works) of the 1971 Act (articles 4 and 5). It is also subject to conditions relating to the period within which the development must commence, requiring approval of certain details by the local planning authority and requiring consultations in certain cases (articles 3 and 6). The permission may be withdrawn by the Secretary of State by direction in relation to any particular development (article 7).

Copies of schemes submitted by Cardiff Bay Development Corporation and approved by the Secretary of State will be available for inspection by the public at the offices of the Development Corporation.