
WELSH STATUTORY INSTRUMENTS

2006 No. 3390 (W.310)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2006

Made - - - - *12 December 2006*
Coming into force - - *30 June 2007*

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by sections 59, 61(1), 62 and 69 of the Town and Country Planning Act 1990(1) and which are now exercisable by the National Assembly for Wales(2), makes the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2006.

(2) This Order comes into force on 30 June 2007.

(3) This Order applies in relation to Wales.

Amendment of the Town and Country Planning (General Development Procedure) Order 1995

2. The Town and Country Planning (General Development Procedure) Order 1995(3) is amended in accordance with article 3 of this Order.

Amendments relating to access statements

3.—(1) After article 4C (design and access statements) insert—

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- (1) 1990 c. 8. Section 62 was substituted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 42(1). See section 336(1) of the Town and Country Planning Act 1990 for the definition of “prescribed”.
- (2) The relevant functions of the Secretary of State under the 1990 Act were, in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). See the entry for the 1990 Act in Schedule 1 to that Order, as varied by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) (W.5) and amended by section 118(3) of the 2004 Act.
- (3) S.I. 1995/419. Relevant amendments were made by S.I. 1997/2971 and 2004/3156 (W.273).

“Access statements:Wales

4D.—(1) This article applies to an application for planning permission which is not an application for planning permission for—

- (a) engineering or mineral operations;
- (b) development of an existing dwelling-house, or development within the curtilage of such a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such; or
- (c) a material change in the use of land or buildings provided that the new use:
 - (i) will not necessitate access by an employee, or
 - (ii) does not involve the provision of services to the public or to a section of the public, with or without payment.

(2) For the purposes of paragraph (1)(c)(ii) “the provision of services” includes the provision of any goods or facilities.

(3) An application for planning permission to which this article applies must be accompanied by a statement (“an access statement”) explaining how issues relating to access to the development have been dealt with.

(4) An access statement must explain—

- (a) the policy or approach adopted as to access and how policies relating to access in the development plan⁽⁴⁾ have been taken into account;
- (b) how any specific issues which might affect access to the development have been addressed; and
- (c) how features which ensure access to the development will be maintained.”

(2) In paragraph (4)(a) of article 25 (register of applications), after “thereto” insert “and of any accompanying access statement provided in accordance with article 4D”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁵⁾

12 December 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

(4) See section 38(4) of the Planning and Compulsory Purchase Act 2004 (c. 5) for the meaning of “development plan” and the transitional provisions and savings in article 3 of the Planning and Compulsory Purchase Act 2004 (Commencement No 6, Transitional Provisions and Savings) Order 2005 (S.I. 2005/2847) (C.118).

(5) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

The Town and Country Planning (General Development Procedure) Order 1995 ([S.I.1995/419](#)) (“the 1995 Order”) specifies the procedures connected with planning applications, appeals to the National Assembly for Wales and related matters so far as these are not laid down in the Town and Country Planning Act 1990 or related legislation.

This Order inserts article 4D into the 1995 Order. The new article 4D applies in relation to Wales and makes provision for access statements which are required to accompany certain applications for planning permission.