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WELSH STATUTORY INSTRUMENTS

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**2012 No. 801**

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

**PART 7**

Monitoring

**Register of applications and local development orders**

**29.**—(1) Each local planning authority must keep a register in three Parts of every application for planning permission and every local development order (if any) relating to their area.

(2) The first part (“Part 1”) of the register must contain in respect of every application for planning permission and any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning authority and not finally disposed of—

- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings;
- (b) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement proposed or entered into in connection with the application;
- (c) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement entered into in respect of the land the subject of the application which the applicant considers relevant; and
- (d) particulars of any modification to any planning obligation or section 278 agreement included in Part 1 in accordance with sub-paragraphs (b) and (c) above.

(3) The second part (“Part 2”) of the register must contain, in respect of every application for planning permission relating to the local planning authority's area—

- (a) a copy (which may be photographic or in electronic form) of the application and of plans and drawings submitted in relation thereto and of any accompanying design and access statement provided in accordance with article 7;
- (b) particulars of any direction given under the 1990 Act or this Order in respect of the application;
- (c) the decision, if any, of the authority in respect of the application, including details of any conditions subject to which permission was granted, the date of such decision and the name of the authority;
- [<sup>F1</sup>(ca) the revised version of the decision, if any, issued by the authority in accordance with section 71ZA(5) of the 1990 Act and article 24A;]
- (d) the reference number, the date and effect of any decision of the Welsh Ministers in respect of the application, whether on appeal, on an application under section 293A(2) of the 1990 Act (urgent Crown development: application)<sup>M1</sup> or on a reference under section 77 of the 1990 Act (reference of applications to Secretary of State)<sup>M2</sup>;

- (e) the date of any subsequent approval (whether approval of reserved matters or any other approval required) given in relation to the application;
  - (f) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement entered into in connection with any decision of the authority or the Welsh Ministers in respect of the application;
  - (g) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement taken into account by the authority or the Welsh Ministers when making the decision; and
  - (h) particulars of any modification to or discharge of any planning obligation or section 278 agreement included in Part 2 in accordance with sub-paragraphs (f) or (g) or paragraph (4).
- [<sup>F2</sup>(3A) Part 2 must also contain the following information in respect of every application made under article 28A relating to their area—
- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings; and
  - (b) the decision, if any, of the authority in respect of the application, the date of such decision and the name of the authority.]
- (4) Where, on any appeal to the Welsh Ministers under section 174 of the 1990 Act (appeal against enforcement notice)<sup>M3</sup>, the appellant is deemed to have made an application for planning permission and the Welsh Ministers have granted permission, the local planning authority must, on receipt of notification of the Welsh Ministers' decision, enter into Part 2 particulars of the development concerned, the land on which it was carried out, and the date and effect of the Welsh Ministers' decision together with a copy (which may be photographic or in electronic form) of—
- (a) any planning obligation or section 278 agreement entered into in connection with the decision; and
  - (b) any other planning obligation or section 278 agreement taken into account by the Welsh Ministers when making the decision.
- (5) The third part of the register must consist of two sections—
- (a) the first section must contain copies of draft local development orders which have been prepared but not adopted by the local planning authority; and
  - (b) the second section must contain—
    - (i) copies of local development orders which have been adopted by the authority;
    - (ii) particulars of the revocation of any local development order made by the authority, including the date on which the revocation took effect; and
    - (iii) particulars of the revision of any local development order, including the date on which the revision took effect.
- (6) A copy of each draft local development order must be placed on the register when the draft is sent for consultation in accordance with article 27.
- (7) A copy of each local development order must be placed on the register within 14 days of the date of its adoption.
- (8) A requirement to place a copy of a draft local development order or adopted local development order on the register includes a requirement to place on the register the statement of reasons for making that order.
- (9) The register must also contain the following information in respect of every application for a certificate under section 191 or 192 of the 1990 Act (certificates of lawfulness of existing or proposed use or development) relating to the local planning authority's area—
- (a) the name and address of the applicant;

- (b) the date of the application;
  - (c) the address or location of the land to which the application relates;
  - (d) the description of the use, operations or other matter included in the application;
  - (e) the decision, if any, of the local planning authority in respect of the application and the date of such decision; and
  - (f) the reference number, date and effect of any decision of the Welsh Ministers on an appeal in respect of the application.
- (10) The register must contain the following information about simplified planning zone schemes in the area of the local planning authority—
- (a) brief particulars of any action taken by the authority or the Welsh Ministers in accordance with section 83 of, or Schedule 7 to, the 1990 Act (making of simplified planning zone schemes etc)<sup>M4</sup> to establish or approve any simplified planning zone scheme, including the date of adoption or approval, the date on which the scheme or alteration becomes operative and the date on which it ceases to be operative;
  - (b) a copy of any simplified planning zone scheme, or alteration to an existing scheme, including any diagrams, illustrations, descriptive matter or any other prescribed material which has been made available for inspection under Schedule 7 to the 1990 Act; and
  - (c) an index map showing the boundary of any operative or proposed simplified planning zone schemes, including alterations to existing schemes where appropriate, together with a reference to the entries in the register under sub-paragraphs (a) and (b).
- (11) To enable any person to trace any entry in the register, every register must include an index together with a separate index of applications for development involving mining operations or the creation of mineral working deposits.
- (12) Subject to paragraph (13), every entry in the register must be made within 14 days of the receipt of an application, or of the giving or making of the relevant direction, decision or approval as the case may be.
- (13) A copy of any application made under section 293A(2) of the 1990 Act (urgent Crown development:application) and of any plans and drawings submitted in relation to it must be placed on the register within 14 days of the date on which the local planning authority is consulted on the application by the Welsh Ministers.
- (14) The whole of the register must be kept at the principal office of the local planning authority or that part of the register which relates to land in part of that authority's area must be kept at a place within or convenient to that part.
- (15) For the purposes of paragraph (2), an application must not be treated as finally disposed of unless—
- (a) it has been decided by the local planning authority<sup>F3</sup>...and the period<sup>F4</sup>... specified in article 26(2) has expired without any appeal having been made to the Welsh Ministers;
  - (b) if it has been referred to the Welsh Ministers under section 77 the 1990 Act (reference of applications to Secretary of State) or an appeal has been made to the Welsh Ministers under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)<sup>M5</sup>, the Welsh Ministers have issued a decision and the period of six weeks specified in section 288 of the 1990 Act (proceedings for questioning the validity of other orders, decisions and directions)<sup>M6</sup> has expired without any application having been made to the High Court under that section;
  - (c) an application has been made to the High Court under section 288 of the 1990 Act and the matter has been finally determined, either by final dismissal of the application by a

court or by the quashing of the Welsh Ministers' decision and the issue of a fresh decision (without a further application under the said section 288); or

- (d) it has been withdrawn before being decided by the authority or the Welsh Ministers, as the case may be, or an appeal has been withdrawn before the Welsh Ministers have issued their decision.

(16) Where the register kept by a local planning authority under this article is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.

(17) In this article—

- (a) “planning obligation” (“*rhwymedigaeth gynllunio*”) means an obligation entered into by agreement or otherwise by any person interested in land pursuant to section 106 of the 1990 Act (planning obligations)<sup>M7</sup>; and
- (b) “section 278 agreement” (“*cytundeb adran 278*”) means an agreement entered into pursuant to section 278 of the Highways Act 1980 (agreements as to execution of works)<sup>M8</sup>.

- F1** Art. 29(3)(ca) inserted (16.3.2016) by [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/59\)](#), arts. 1(2), **12(3)**
- F2** Art. 29(3A) inserted (1.9.2014) by [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2014 \(S.I. 2014/1772\)](#), arts. 1(1), **2(3)**
- F3** Words in art. 29(15)(a) omitted (22.6.2015) by virtue of [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2015 \(S.I. 2015/1330\)](#), arts. 1(1), **10(a)** (with art. 12)
- F4** Words in art. 29(15)(a) omitted (22.6.2015) by virtue of [The Town and Country Planning \(Development Management Procedure\) \(Wales\) \(Amendment\) Order 2015 \(S.I. 2015/1330\)](#), arts. 1(1), **10(b)** (with art. 12)

#### Marginal Citations

- M1** Section 293A was inserted by section 82(1) of the 2004 Act.
- M2** Section 77 was amended by section 32 of, and paragraph 18 of Schedule 7 to, the [Planning and Compensation Act 1991 \(c. 34\)](#), and section 40(2)(d) of the 2004 Act.
- M3** Section 174 was amended by section 6 of the [the Planning and Compensation Act 1991 \(c. 34\)](#) and S.I. [2004/3156 \(W.273\)](#).
- M4** There are amendments to section 83 and Schedule 7 not relevant to this Order.
- M5** Section 78 was amended by section 17(2) of the [Planning and Compensation Act 1991 \(c. 34\)](#) and sections 40(2)(e) and 43(2) of the 2004 Act.
- M6** Section 288 was amended by section 18 of, and paragraph 25 of Schedule 3 to, the [Tribunals and Inquiries Act 1992 \(c. 53\)](#).
- M7** Section 106 was amended by section 12(1) of the [Planning and Compensation Act 1991 \(c. 34\)](#) and section 174 of the [Planning Act 2008 \(c. 29\)](#). There is no intention at present to bring into force the repeal of section 106 by section 120 of, and Schedule 9 to, the 2004 Act.
- M8** Section 278 was substituted by section 23 of the [New Roads and Street Works Act 1991 \(c. 22\)](#).

#### Register of enforcement and stop notices

**30.**—(1) Subject to paragraph (2), the register under section 188 of the 1990 Act (register of enforcement and stop notices)<sup>M9</sup> must contain the following information with respect to every enforcement notice issued in relation to land in the area of the local planning authority maintaining the register—

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
  - (b) the name of the issuing authority;
  - (c) the date of issue of the notice;
  - (d) the date of service of copies of the notice;
  - (e) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
  - (f) the date specified in the notice as the date on which it is to take effect;
  - (g) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 175(4) of the 1990 Act (appeals: supplementary provisions) <sup>M10</sup>3) and the date of the final determination or withdrawal of any appeal;
  - (h) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice; and
  - (i) the date, if any, on which the authority are satisfied that steps required by the notice for a purpose mentioned in section 173(4)(b) of the 1990 Act (contents and effect of notice: remedying any injury to amenity) <sup>M11</sup> have been taken.
- (2) That register must also contain the following information with respect to every breach of condition notice served in relation to land in the area of the local planning authority maintaining the register—
- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
  - (b) the name of the serving authority;
  - (c) the date of service of the notice;
  - (d) details of the relevant planning permission sufficient to enable it to be identified; and
  - (e) a statement or summary of the condition which has not been complied with and the requirements of the notice, including the period allowed for compliance.
- (3) All entries relating to an enforcement notice, stop notice or breach of condition notice must be removed from the register if—
- (a) in the case of an enforcement notice or stop notice, the relevant enforcement notice is quashed by the Welsh Ministers;
  - (b) in the case of a breach of condition notice, the notice is quashed by a court;
  - (c) in any case, the relevant notice is withdrawn.
- (4) Every register must include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice relates.
- (5) The information prescribed in paragraphs (1) and (2) must be entered in the register as soon as practicable and in any event within 14 days of the occurrence to which it relates.
- (6) The whole of the register must be kept at the principal office of the local planning authority or that part of the register which relates to land in part of that authority's area must be kept at a place within or convenient to that part.

**Modifications etc. (not altering text)**

- C1** Art. 30 applied (with modifications) (7.1.2019) by [The Sustainable Drainage \(Enforcement\) \(Wales\) Order 2018 \(S.I. 2018/1182\)](#), arts. 1(2), **11**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, PART 7. (See end of Document for details)*

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**Marginal Citations**

- M9** Section 188 was amended by section 84(6) of, and paragraph 30 of Schedule 7 and Part I of Schedule 19 to, the Planning and Compensation Act 1991. There are other amendments which are not relevant to this Order.
- M10** There is an amendment to section 175(4) not relevant to this Order.
- M11** Section 173 was substituted by section 5 of the [Planning and Compensation Act 1991 \(c. 34\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, PART 7 .