
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2020 No. 420 (W. 90)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(General Permitted Development)
(Amendment) (No. 2) (Wales)
Order 2020**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (“the GPDO”).

Article 3 of, and Schedule 2 to, the GPDO confer permitted development rights in respect of certain development. Where such rights are conferred, an application for planning permission is not required.

Article 2 of this Order amends Schedule 2 to the GPDO by inserting a new Part 3A (Temporary Buildings and Changes of Use for Public Health Emergency Purposes) to permit certain development in Wales for the purposes of preventing, controlling or mitigating the effects of, or taking other action in connection with a public health emergency in the United Kingdom.

The development permitted is the change of use of a building or land to Class C2 (Residential institutions) or Class D1 (Non-residential institutions) of the Town and Country Planning (Use Classes) Order 1987, and the provision of buildings or other structures.

The permitted development is subject to conditions and limitations which are also set out in the new Part 3A.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

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**The Town and Country Planning
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(Amendment) (No. 2) (Wales)
Order 2020**

Made 9 April 2020

Coming into force 10 April 2020

*Laid before the National Assembly for
Wales* 14 April 2020

The Welsh Ministers, in exercise of the powers conferred by sections 59, 60(1), 61(1) and 333(7) of the Town and Country Planning Act 1990⁽¹⁾ and now vested in them⁽²⁾, make the following Order.

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (Wales) Order 2020 and it comes into force on 10 April 2020.

(2) This Order applies in relation to Wales.

(1) 1990 c. 8. Section 59(4) was inserted by section 55 of, and paragraph 5 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4). There are other amendments which are not relevant to this instrument.

(2) The functions of the Secretary of State under sections 59, 60(1), 61(1) and 333(7) were, so far as exercisable 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 in Schedule 1 for the Town and Country Planning Act 1990 as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) the functions of the National Assembly for Wales were transferred to the Welsh Ministers.

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

2.—(1) Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995⁽¹⁾ is amended as set out in paragraph (2).

(2) After Part 3 (Changes of Use) insert—

“Part 3A

**Temporary Building and Changes of
Use for Public Health Emergency
Purposes**

Class A

A. Permitted development

Development for the purpose of preventing, controlling or mitigating the effects of, or taking other action in connection with a public health emergency in the United Kingdom, consisting of—

- (a) a change of the use of a building or land to a use falling within Class C2 (Residential institutions) or Class D1 (Non-residential institutions) of the Schedule to the Use Classes Order,**
- (b) the provision on land of buildings, moveable structures, works, plant or machinery.**

A.1 Development not permitted

Development is not permitted by Class A if—

- (a) any part of the development is on land which is, or forms part of—**
 - (i) a military explosive storage area;**
 - (ii) a safety hazard area;**
 - (iii) a site of special scientific interest;****or**
- (b) the land or building is, or contains, a scheduled monument.**

A.2 Conditions

Development is permitted by Class A subject to the following conditions—

- (a) the development must be undertaken by or on behalf of an NHS body;**

(1) S.I. 1995/418 to which there are amendments which are not relevant to this instrument.

- (b) if the developer is not also the local planning authority, the developer must, as soon as reasonably practicable notify the local planning authority of that development; and
- (c) on or before the expiry of the period of twelve months beginning with the date on which the development began—
 - (i) any use of that building or land for the purpose of Class A must cease;
 - (ii) any building, moveable structure, works, plant or machinery permitted by Class A must be removed; and
 - (iii) the building or land must be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

A.3 Interpretation of Class A

- (1) For the purposes of Class A—

"military explosives storage area" means any area, including an aerodrome, depot, mooring or port, at which the storage of military explosives may be undertaken and for which the associated explosives safeguarding zone is identified on a safeguarding map, issued by the Secretary of State provided to the local planning authority for the purposes of a direction made by the Welsh Ministers in exercise of powers conferred by article 18(1) of the Procedure Order (or any previous powers to the like effect);

"NHS body" has the same meaning as in section 206 of the National Health Service (Wales) Act 2006⁽¹⁾;

"Procedure Order" means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012⁽²⁾;

"public health emergency" means an event or situation which threatens serious damage to human welfare in a place in the United Kingdom;

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- (1) 2006 c.42, section 206 was amended by paragraphs 38(1)(a), (b) and (d) of Schedule 21 to the Health and Social Care Act 2012 c. 7. There are other amendments which are not relevant to this instrument
 - (2) S.I. 2012/801 (W. 110) to which there are amendments which are not relevant to this instrument

“safety hazard area” means an area notified to the local planning authority—

- (a) by the Health and Safety Executive for the purposes of paragraph (c) of the Table in Schedule 4 to the Procedure Order (or any previous powers to the like effect); or
- (b) by the Office for Nuclear Regulation for the purposes of paragraph (d) of that Table.

(2) For the purposes of the definition of “public health emergency” in paragraph (1), an event or situation threatens damage to human welfare only if it involves, causes or may cause—

- (a) loss of human life;
- (b) human illness or injury;
- (c) disruption of services relating to health.”

Julie James

Minister for Housing and Local Government, one of the Welsh Ministers

9 April 2020