



Chief Executives and Heads of Planning
Local Authorities and Local Planning Authorities in Wales

9 April 2020

Dear Colleagues

CORONAVIRUS COVID 19 – INTRODUCTION OF NEW PERMITTED DEVELOPMENT RIGHTS FOR HEALTH SERVICE BODIES

This letter explains changes to the Town and Country Planning (General Permitted Development) Order 1995 (“GPDO”).

In response to the exceptional challenges presented by COVID-19, an additional amendment has been made to the GPDO. The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order (No.2) 2020 (“the Amendment Order”) is due to come into force at midnight on 10 April 2020.

The Amending Order inserts a new Part 3A (Building and Uses for Public Health Emergency Purposes) into Schedule 2 to the GPDO, permitting an NHS body to undertake certain development for the purposes of preventing, protecting against, controlling or providing a response to a public health emergency in the United Kingdom.

The development permitted is the change of use of a building or land from any class in the Schedule to the Use Classes Order or any other use to Class C2 (Residential institutions) or Class D1 (Non-residential institutions), and the provision of buildings or other structures.

For these purposes, a public health emergency is an event or situation which causes or may loss of human life, serious human illness or injury; or serious disruption of services relating to health. This includes the current COVID-19 pandemic.

The permitted development is subject to limitations and conditions which are also set out in the new Part 3A. The NHS body, or the organisation undertaking the development on its behalf, must notify the local planning authority. The exception to this is where the local planning authority is acting on behalf of the NHS body.

A further condition restricts the retention of development undertaken under this new part to a period of twelve months beginning with the date on which the development began. Before

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

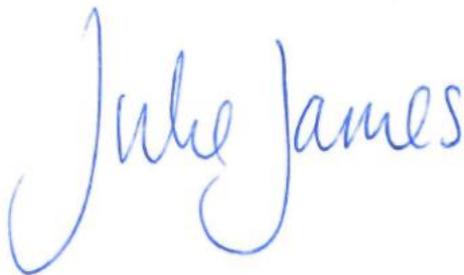
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

the end of this period, buildings, structures erected or other works must be removed and any uses ceased. The land must be restored to its previous condition or to such other state as may be agreed in writing between the local planning authority and the developer. Written agreement is intended in circumstances where the nature of the development has changed the site to the extent it is impracticable to restore it to its previous condition. In cases where it is proposed to retain the development longer than 12 months, I would expect a planning application to be submitted in the normal way. This will then facilitate public involvement in considering the planning merits of retaining the development in that location.

During a public health emergency, there is often a need for the NHS to respond rapidly changing situations in the interests of preventing, mediating or easing a human health crisis. It is accepted that during such time the usual regulatory requirements may need to be relaxed to ease considerable pressure on the NHS and enable health service bodies to respond and provide facilities to limit its spread, treat, test, care for and manage the recovery of an extremely high number of patients.

The Welsh Government is continuing to monitor the effects of the on-going COVID-19 emergency on the planning system and will be bringing forward further legislative changes in due course.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AC/AM
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government